



Environmental Performance Partnership Agreement

**Minnesota Pollution Control Agency
U.S. Environmental Protection Agency Region 5**

Federal Fiscal Year 1997

Minnesota's Environmental Performance Partnership Agreement

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Minnesota's Environmental Performance Partnership Agreement

Approvals

This agreement will go into effect on the date of the last signature received and negotiation for modification or termination of this agreement may begin with a 30-day notification.

For the State of Minnesota:

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Introduction

This document describes the programs, responsibilities and measures by which the Minnesota Pollution Control Agency will meet the mutual objectives agreed upon by the MPCA and the U.S. Environmental Protection Agency Region 5 for federal fiscal year 1997. This agreement covers any new or ongoing programs funded by federal grants from October 1, 1996 to September 30, 1997. In essence, the purpose of this agreement is to solidify our understanding of the roles and responsibilities of both agencies in protecting Minnesota's environment. It is also an attempt to eliminate wasteful duplication of effort from overlapping programs and conflicting instructions to the industries, municipalities and organizations that we regulate. Our progress in completing this agreement will be reported in an annual self assessment submitted each fiscal year. Measurements used to track our performance are indicated in this agreement. Actual results from these measurements will be provided in the self-assessment report, beginning in 1997.

Scope of Agreement

The MPCA administers many federal programs, as well as state ones. The programs covered under this agreement include the protection of air, water, and ground-water resources, the management of hazardous waste and the cleanup of contaminated sites.

All of the initiatives that are funded by EPA are described in this agreement. State-funded initiatives are also included in each program matrix where they are needed to describe the MPCA's efforts in meeting a priority issue. The division of responsibilities between EPA Region 5 and the MPCA and funding sources are also noted in the matrix.

While the MPCA and EPA have attempted to provide a description of each agencies' environmental protection activities for the period of this agreement, it should be noted that there may be additional activities warranting action that are not contemplated at this time. The MPCA and EPA agree that coordination will occur as appropriate over the course of the agreement period to avoid overlap and duplication of effort in addressing new issues and concerns as they arise. Furthermore, we recognize that this agreement does not necessarily encompass every agreement between the MPCA and EPA, and that some agreements and relationships will be described elsewhere. Still other agreements are in place between EPA and other state agencies and are thus not included in this

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agreement. This agreement does not replace or supersede statutes, regulations, or delegation agreements entered into previously with the state.¹

Base Program Funding and Review Process

Grant Application Work Plans

Generally, this agreement will serve as the work plan required for each program-specific grant application. The MPCA program staff reserve the right to submit additional materials, if needed, in the grant application process. Specifically, these additional materials will include the work years (if different from the fiscal year), the number of full-time equivalent staff, the estimated amount of funds requested and the source of funds. The MPCA will work with EPA to ensure that specific requirements for quality assurance on the data submitted for the grant work plans are met. For FY 1997, the MPCA will use existing quality assurance project plans. In subsequent years, the MPCA will discuss with EPA what type of quality management plan would be appropriate and reasonable.

Self Assessment Report

Each year, the MPCA and EPA Region 5 will complete a self assessment of the progress made on this agreement. The self assessment should be a joint project since this agreement contains commitments from both parties.

In general, the assessment should examine:

- whether there has been a timely completion of the activities outlined in the agreement, as measured by the proposed indicators, and an explanation of any delays;
- what the effect of the completed activity had on the agreed upon goals;
- whether the efforts of the MPCA and EPA Region 5 consistently support the joint priorities described in the environmental performance partnership agreement; and
- the changes or improvements in the relationship between MPCA and EPA Region 5 that may strengthen our partnership and aid in accomplishing our mutual goals.

A draft self assessment will be developed by the MPCA shortly after the end of the federal fiscal year and sent to EPA Region 5 for additions and comments. To eliminate duplication of effort, the MPCA plans to submit the self assessment as the year-end report required by EPA grant administrators. Therefore, timing of the submittal should meet the requirements of the year-end reports. As another timesaving measure, the MPCA hopes to incorporate the development of the self assessment with the production of a state-required, biennial performance report. Based on all of these requirements, the MPCA anticipates the delivery of a finished self assessment around

¹ EPA maintains a trust relationship with tribes for environmental protection that is not described in this agreement and is not affected by it.

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November 30th of each year. The self assessment for the FY 1997 agreement would be available November 30, 1997.

For the purposes of planning for the FY 1998 agreement, program staff from MPCA and EPA Region 5 will meet in the spring of 1997.

Data Management

To facilitate information sharing through improved data integration, EPA Region 5 and the MPCA will work together on the following goals:

1. Collect, quality assure and store location data from facility, discharge and monitoring points.
2. Create standardized facility identification coding.
3. Assess collective data needs to support decision making.
4. Develop and implement improved processes to share data, information and analysis tools.

Overview of the Federal Role

The federal government has a fundamental responsibility to protect the integrity of the nation's environment and the health of its diverse citizenry. Both EPA and individual states conduct environmental protection activities. Because pollution does not respect political boundaries, EPA must ensure that a consistent, level playing field exists across the nation. EPA performs this vital function by providing leadership when addressing environmental problems that cross state, regional and national borders and ensuring a consistent level of environmental protection for all citizens. EPA fulfills these responsibilities by working with its many partners – other federal agencies, states, tribes and local communities – to address high priority environmental problems. EPA also carries out an important role in reviewing state program performance and assisting states and other partners in building their capacity to ensure protection of public health and the environment.

One of the roles of EPA Region 5 as a partner to this agreement is to ensure that specified strategic objectives are addressed. EPA Region 5 and Minnesota, along with other regional states, have agreed to address the joint priorities described below. Some of the specific activities Region 5 will undertake to address these joint priorities during the term of this agreement are set forth below.

EPA Region 5 and MPCA Priority Issues

The MPCA and EPA Region 5 have established five broad priorities for the federal fiscal year 1997. They are:

1. reduction of toxics;
2. community-based environmental protection;
3. brownfields redevelopment;

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4. measure and manage for environmental results; and
5. cultural change.

Several MPCA programs directly respond to these priorities and are described in the subsequent sections of this agreement. In addition, there are several agencywide initiatives adopted by the MPCA that also contribute toward accomplishing these goals. These agency initiatives are described below.

Reduction of Toxics

Mercury Reduction Strategies

Since the early 1990s, the MPCA has devoted special attention to address the problem of mercury pollution. This persistent toxin is not only a problem in Minnesota but across the country. Mercury is a heavy metal that evaporates easily and can travel long distances in the atmosphere before falling to soil and water. When it is deposited in lakes and rivers, mercury can build up in fish tissues and increase in concentration as it is transferred along the aquatic food chain. Humans and wildlife who consume the contaminated fish can suffer the effects of this neurotoxin. Mercury contamination in surface waters has been reported in an increasing number of areas around the world, including the United States. To date, 34 states have established health advisories for the consumption of mercury-contaminated fish.

Minnesota has taken significant regulatory measures to reduce mercury pollution. Among these are state laws which called for the elimination of mercury in batteries, a ban on the disposal of mercury waste and mercury products from households and businesses, and limits to mercury emissions from waste combustors.

This year, Minnesota is spearheading a national campaign to persuade the U.S. Department of Defense to halt renewed sales of stockpiled mercury to national and international markets. The MPCA and others are opposed to this action for environmental and economic reasons. Sales are, in effect, a subsidy to encourage use of mercury and undermines national and international efforts to phase out non-essential uses and control releases from essential uses of mercury. The MPCA staff have worked with EPA Region 5 staff in sending a strong statement in opposition of this plan and will continue to look for opportunities to provide a united front to prevent this threat to the environment.

The MPCA hopes to begin discussions with state industries, environmentalists and other organizations about a comprehensive mercury reduction program. One possible approach that will be examined is a state-wide emission "cap-and-trade" program for all sources. The benefits of a comprehensive effort are expected to be improved effectiveness, equity among all sources, lower cost, and improved information on mercury's effect on the environment. There will be ample opportunity for EPA Region 5 and other regional states to be involved in this effort. Specifically, the MPCA will be seeking a \$165,000 grant from EPA and matching funds from the Minnesota Legislature to begin this effort in fiscal year 1997. Enthusiastic support for the development of a

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comprehensive reduction plan has already been received from state officials in Wisconsin and Michigan.

EPA will work closely with Minnesota on the goal of mercury reduction, through technical support, information sharing, scientific research, financial assistance and regulation. EPA will continue to provide a forum for states to share information about mercury reduction activities, and will disseminate results of research on mercury's effect on human health and ecosystems and on mercury sources and transport. EPA will also help Minnesota develop goals, milestones and indicators for mercury reduction. Furthermore, EPA will make available funding for mercury pollution-prevention activities. In the area of regulation, EPA and the MPCA will work to resolve inconsistencies between the federal and state rules regarding municipal waste incinerator emission standards and medical waste incinerator emission standards expected to be promulgated in 1997. In addition, EPA will evaluate alternatives to the incineration of organomercuric wastes and will explore options and methodologies for safely landfilling mercury.

Toxics in Wastes

Minnesota is one of 18 states which has adopted the CONEG Toxics in Packaging Legislation. This law prohibits the deliberate use of four heavy metals – lead, cadmium, mercury and hexavalent chromium – in packaging materials. Minnesota will continue to fund and participate in the CONEG Packaging Clearinghouse in FY 1997, using state dollars.

In addition, Minnesota is the only state that has prohibited lead, cadmium, mercury and hexavalent chromium from deliberate introduction into certain products (inks, dyes, paints, pigments and fungicides). This new law will be effective in July 1998. The MPCA will be reporting to the Minnesota Legislature on the progress that manufacturers and product users have made in eliminating deliberate use of the metals in December 1996. In addition, the MPCA will provide administrative recommendations and review alternatives to the ban.

Community-based Environmental Protection

Geographically Based Approach to Environmental Management

The MPCA has identified a geographically based approach to environmental management as one of its strategic directions for this year. Geographically based environmental management emphasizes the importance of focusing on specific geographic areas and the environmental problems in each particular area, regardless of the cause and source of those problems. This approach encourages the analysis of cumulative and interactive effects of pollutants across all media.

As the MPCA defines it, geographic management emphasizes working with the people who live and work in a particular area to identify environmental problems, determine goals and priorities and

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develop solutions. This process then provides a framework to better coordinate programs and help tailor and target programs to the unique conditions in different areas of the state.

Programs in the MPCA divisions have worked together in this way to address an environmental problem in a specific geographical area. The challenge is to institutionalize this approach so that these connections happen automatically rather than on a case-by-case basis for “special” projects. An internal work team is developing recommendations for an agency-wide geographic framework. This framework will establish a link between programs so that we can better recognize the environmental connections and opportunities for coordination in a geographic area. Over time, this approach should also help improve communication and coordination with other agencies, and with our customers, partners and stakeholders at the local level.

Project XL

Minnesota was the first state authorized by EPA to undertake Project XL pilot projects. This voluntary state and federal program supports regulated parties that demonstrate excellence and leadership (XL) in protecting the environment, and who are willing to undertake new initiatives that go beyond the existing requirements of state and federal law.

The first step in implementing Project XL in Minnesota was obtaining state legislation that authorized the pilots and providing for the development of other environmental regulatory innovations. This was accomplished in the 1996 session of the Minnesota Legislature. Second, Minnesota has requested that the U.S. Environmental Protection Agency delegate the Project XL lead to the MPCA. On November 3, 1995, EPA approved our delegation request, and we are currently working with EPA Region V staff on a memorandum of understanding for this delegation. Third, the MPCA will develop three to five XL pilot projects.

Project XL permits or agreements will be placed on public notice for review and comment, as usual. In addition, an independent group of representatives from industry, government, public interest and academia will review and comment on the design, implementation and evaluation of each XL pilot project.

Measure and Manage for Environmental Results

Environmental and Operational Indicators

In the agency's 1994 strategic plan, a commitment was made to develop and adopt relevant environmental and operational indicators that can be used, along with other methods, to manage environmental protection activities and develop work priorities. To use its resources wisely, the MPCA must evaluate environmental conditions and trends and then focus on the most important environmental threats. Environmental indicators are tools that can assist the agency in measuring the status of the environment, setting priorities for action, determining program effectiveness and establishing a basis for comparing the risk associated with various environmental problems.

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Operational indicators include measures of the MPCA's timeliness, cost effectiveness, compliance rate and customer confidence.

In 1996, more than four years of effort will culminate in a preliminary set of environmental and agency performance indicators. The environmental indicators were selected to help us measure our progress in achieving four environmental goals: 1) clean, clear air; 2) "fishable" and "swimmable" lakes and rivers; 3) uncontaminated soil and ground water; and 4) sustainable ecosystems. The MPCA will continue to refine and improve the selected indicators as access to reliable and accurate data improves. In addition to these indicators, the MPCA and other state agencies are actively engaged in a comprehensive effort to analyze and report the conditions and trends of all Minnesota environmental resources, not just those within the MPCA's authority. In the future, environmental indicators will achieve as much attention, if not more, than the administrative measures that have been previously tracked.

The indicators will begin to be used in state and federal reports on the agency's progress in accomplishing its mission. For example, the indicators will be a primary source of information for and a key component of the 1998 Environmental Performance Partnership Agreement. Other uses of the indicators under construction include agency planning, priority-setting, communications and program evaluation. The MPCA will be pioneering the use of environmental indicators in these activities over the next few years. We are aiming to build a more comprehensive management system that will allow us to better integrate environmental data into decision making.

The recently completed 1996 Strategic Plan for the MPCA established the overall goal for these activities when it identified "environmental outcomes" as a driving principle. The plan emphasizes that "[e]verything the [MPCA] does should result in improvements to the environment and human health, and overall, support improved quality of life in Minnesota." In effect, we should be guided more by the outcomes of our actions, such as improving the environment, rather than focus exclusively on the administrative "beans" that we have traditionally measured. We hope to work with EPA and other agencies in making the transition to this approach.

EPA Region 5 and the six regional states have formed a senior management steering committee to oversee and direct the implementation of this joint priority of measuring and managing for environmental results. The committee will also identify the commonalties in environmental goals and indicators being used by EPA and the states and weave them into a common approach. The major vehicle for documenting how Minnesota and EPA will measure and manage for environmental results will be this environmental performance partnership agreement, which may include state-specific priorities and indicators, joint priorities, and, as appropriate, national and regional priorities and indicators.

EPA Region 5 is also committed to relying heavily on environmental data to evaluate environmental conditions, identify existing and emerging environmental problems, set environmental priorities, and make decisions to address the highest priorities in a flexible and responsive manner. For fiscal year 1997, Region 5 is developing environmental goals, milestones and indicators for the top six

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environmental problems and the ten critical places. Region 5 is also establishing partnerships with other federal, state, tribal and local agencies to facilitate the sharing of environmental data and information to use in establishing and tracking environmental indicators.

Risk-Based, Customer-focused Organization

Like many other state environmental agencies, the MPCA is faced with limited resources, an increasing demand for services, and emerging environmental problems to address. The risk-based environmental priorities project was developed to help the agency decide how best to meet these challenges. Through the use of a tool called comparative risk, the agency is working to increase the quality of information available to help prioritize environmental issues.

MPCA will use comparative risk to rank a set of problems based on the degree of risk they pose to human health, the environment, and our quality of life. The project attempts to answer the question, "What problems currently being addressed by the MPCA pose the most significant threats to human health and the environment?" A citizens forum technique will be one aspect of the project which will provide public participation in ranking environmental problems. Results of the citizens forum will be available in the fall of 1996 and the project's conclusion will be presented to MPCA management in early 1997. In 1994, the MPCA received a \$100,000 grant from EPA for this project.

Brownfields Redevelopment

Brownfields

Through an aggressive Voluntary Investigation and Cleanup (VIC) program and with grant assistance from EPA, Minnesota is actively addressing brownfields. On June 30, 1996, Minnesota had reached a cumulative total of 700 sites in the VIC program and is projecting that number will reach 1,100 by June 1998. This represents more than 3,000 acres of land recycled with projections of about 7,000 acres of land recycled by June 1998.

Minnesota is pursuing partnerships with the various stakeholders from local units of government, developers and the financial community to more effectively promote sustainable development and to address contamination problems at sites in the state. Efforts are currently underway to establish a task force by the commissioners of the MPCA and the Department of Trade and Economic Development. The purpose of the task force would be to assess the brownfields issues and to make recommendations for further redevelopment and cleanup of used industrial property.

Cultural Change

Guiding Principles

The MPCA and EPA Region 5 have a common mission to protect and restore the air, land and water resources in Minnesota. In order to accomplish this mission, the MPCA and EPA Region 5 must maximize their resources and minimize activities that don't contribute to that mission or that hinder its accomplishment.

Both agencies want to maximize environmental and human health protection by improving the way we carry out our work and achieve our mission. Culture change may be everything from serving our customers better to seeking innovative approaches in setting standards, developing compliance strategies. Culture change permeates many new activities we undertake from federal regulatory re-invention efforts to adopting agreements such as this performance partnership agreement.

Therefore, in working toward our mutual success, the MPCA and EPA agree to the following principles:

1. We will work together as partners in a spirit of trust, openness and cooperation and with respect for each other's roles.
2. We will work to ensure that the MPCA, as the agency which implements most of the state and federal environmental protection programs in Minnesota, has the greatest degree of flexibility allowable under existing laws and guidelines based on MPCA's performance.
3. We will coordinate our work to avoid duplication of effort.
4. We will work to ensure that communications are frequent and timely to avoid surprises, that communication within each agency occurs and that efforts are made to ensure that the right method of communication is used and reaches the right person.
5. We will use an agreed upon dispute resolution process to handle the conflicts that are certain to arise as we implement our environmental programs. We will treat the resolution process as an opportunity to improve our joint efforts and not as an indication of failure.
6. We will acknowledge EPA's role in the direct implementation of federal programs and in ensuring that federal programs are carried out in a consistent fashion throughout the region.
7. We will work to ensure that staff at all levels are aware of and held accountable for realizing these agreed upon principles.

Dispute Resolution

The MPCA and EPA realize that disagreements may occur. We agree to attempt to resolve promptly and at the lowest possible level any disputes that may occur between the MPCA and EPA staff. If disputes cannot be resolved within seven days, it will be referred to the supervisor level. This supervisory referral and resolution process will continue, if necessary, to the level of MPCA commissioner and EPA Region 5 regional administrator. If an agreement still cannot be reached,

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both agencies can jointly refer the dispute to the appropriate administrator in the U.S. EPA offices, who will attempt to resolve it. Neither the MPCA or EPA Region 5 waive any legal decision-making rights in agreeing to this dispute resolution process.

Enforcement and Compliance Assistance

Enforcement and compliance assurance activities are critical to ensuring that regulated entities who violate environmental requirements do not gain a competitive advantage over those who comply with environmental laws. EPA and the MPCA carry out their responsibilities in the enforcement arena in a variety of ways. Under this agreement, EPA and the MPCA will retain their authorities and responsibilities to conduct enforcement and compliance assistance.

EPA ensures that national standards for the protection of human health and the environment are implemented, monitored and enforced consistently in all states. Specific federal enforcement and compliance assistance responsibilities include:

1. Work on national priorities (e.g., multimedia inspections, companies with significant company-wide noncompliance in several states, and OECA Priority Sectors);
2. Work on regional priorities, including enforcement and compliance assistance in Region 5's 10 Principal Places, as well as using this approach to ensure environmental justice, toxics reduction, sediment cleanup, brownfields redevelopment, attainment of NAAQS for ozone, and protection and restoration of critical habitats;
3. Filling the gaps, if any, to ensure timely and appropriate enforcement in state programs;
4. Ensuring a level playing field and national consistency across state boundaries;
5. Addressing interstate and international pollution;
6. Addressing criminal violations;
7. Multimedia inspections and enforcement at federal facilities;
8. Enforcement in programs that have not been delegated to the states, or have been only partially delegated to the states; and
9. Enforcement to assure compliance with federal consent decrees, consent agreements, federal interagency agreements, judgments and orders.

In FY 1997, EPA and the MPCA agree to work toward a goal of optimizing the use of their combined resources to secure compliance. The objective of the MPCA and U.S. EPA enforcement and compliance programs is to encourage regulatory compliance and correct violations. To achieve these goals, the MPCA will identify and evaluate existing enforcement response plans, updating them as necessary to ensure timely and appropriate enforcement can be conducted.

For both the MPCA and EPA, enforcement and compliance assistance is conducted in the individual media programs. However, both agencies conduct multimedia enforcement and compliance assistance activities which will require coordination. EPA and the MPCA will openly share information on enforcement and compliance assistance activities in Minnesota. While individual program activities will be coordinated on a program specific basis, multimedia activities will be coordinated through Region 5's Office of Enforcement and Compliance Assurance (OECA).

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The MPCA will continue to work with EPA to refine changes to the state and federal environmental compliance program. Both parties agree that better coordination is necessary to eliminate confusion among the regulated parties and prevent duplication of effort. Individual programs may have specific requirements regarding the implementation of their compliance program. There may be times when it is beneficial for staff from both agencies to confer and that practice will continue to be encouraged, especially with regard to special issues such as tribal relations, interstate waters and variances.

The effectiveness of the MPCA and EPA enforcement and compliance assistance efforts will be measured and reported through the annual self-assessment report. EPA and the MPCA will work together in FY 1997 to develop meaningful environmental and operational measures of both multimedia and single media activities.

Environmental Audits

In 1995, the MPCA began a four-year pilot program designed to encourage industry, businesses and local governments to conduct environmental audits and self evaluations of facilities. If they correct any problems they discover within 90 days, or by an established deadline, they may receive a waiver from state enforcement, fines or other penalties. The MPCA is aware that Minnesota's environmental audit program is not the same as the federal self-audit program. The MPCA is committed to working with EPA to resolve any significant differences and a memorandum of understanding is being developed to reflect this resolution. The progress of this audit program will be measured and reported to the State Legislature and EPA.

EPA Region 5 Priorities

In addition to these joint priorities, EPA Region 5 has identified additional long-term environmental priorities that need to be addressed by the federal government. These priorities include ensuring environmental justice, cleaning up contaminated sediments, attainment of air quality standards for ozone² and the protection and restoration of critical habitat.³

To direct limited resources to the places where these priorities can most effectively be addressed, EPA Region 5 has identified principal places in the Minnesota where activities will be directed.

² Minnesota currently is in attainment for national air quality standards for ozone.

³ Protection and restoration of critical habitats in Minnesota falls under the authority of the Department of Natural Resources whose activities are not covered by this agreement.

Ensure Environmental Justice

On February 11, 1994, President Clinton issued an executive order which focuses federal attention on environmental and human health conditions in minority and low-income communities. The executive order directs federal agencies, including EPA, to make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies and activities on minority populations and low-income populations. EPA issued an Environmental Justice Strategy in April 1995 and an Environmental Justice Implementation Plan in April 1996.

Region 5 is committed to promoting and supporting environmental justice with a goal of eliminating disproportionate environmental effects on low-income and minority populations. Region 5 intends to continue its pursuit of environmental justice and has identified this issue as one of its priorities in the federal fiscal year 1997. To carry out this priority, Region 5 will conduct a variety of activities in the following areas.

Public Participation, Accountability, Partnerships, Outreach and Communication with Stakeholders. Region 5 will promote partnerships, outreach and communication with affected communities, federal, tribal, state and local governments, environmental organizations, academic institutions, nonprofit organizations, and business and industry representatives.

Human Health and Environmental Research. In coordination with others, Region 5 will design and conduct environmental and human-health research needed to support its environmental justice programs.

Data Collection, Analysis, Stakeholder Access to Public Information. EPA's mission of protecting public health and the environment depends on individuals within and outside of the federal government having access to good data to make informed decisions.

American Indian, Alaska Native and Indigenous Environmental Protection. EPA will work with federally recognized tribal governments, tribal and indigenous organizations, affected native populations, the Tribal Operation Committee and the National Environmental Justice Advisory Council to integrate the provisions of the executive order into EPA's environmental policies, programs and activities.

Enforcement, Compliance Assurance, Regulatory Review and Permitting. EPA will include a focus on environmental justice issues in its enforcement initiatives and through compliance analysis, and regulatory review relating to populations covered by the executive order. EPA will implement Title VI of the Civil Rights Act and will consider environmental justice issues through the review of and comments on other federal agencies' proposals and actions under the National Environmental Policy Act and Section 309 of the Clean Air Act.

Region 5 is also committed to take environmental justice into account to the maximum extent possible in carrying out the other joint priorities. To that end, Region 5 proposes to jointly develop a written plan with Minnesota that will describe how to best accomplished this goal.

Cleaning Up Contaminated Sediments

Staff from the MPCA and EPA Region 5 will discuss at a later date the details of how EPA will support this initiative in Minnesota.

Protection and Restoration of Critical Habitat

In accordance with the recommendations of NACEPT (June 1996) and the directives from EPA Headquarters, EPA Region 5's role with respect to the protection and restoration of critical habitat in the region and the Great Lakes Basin will be to foster stewardship by our partners among the public, private organizations, businesses and industries, and government. While the role of EPA has changed and continues to change, the new approaches should supplement and enhance media-specific regulations and standards.

EPA can and should:

1. Provide and seek training;
2. Enhance coordination and collaboration with partners;
3. Seek direction and focus through consultation and dialog with its regional and Great Lakes partners;
4. Promote the use of mediation and negotiation to solve environmental problems;
5. Provide traditional and innovative applications of enforcement to ensure compliance with the law and maintain national consistency; and
6. Assume the various roles of partner, facilitator, mediator, etc., as the particular instance dictates.

EPA will continue, as it has done in the past, to ensure that there is national consistency in the application of environmental laws, address cross-boundary issues between the states, address cross-boundary issues between the U.S. and Canada and enforce federal environmental laws.

Priorities for Principal Places

Great Lakes Program

EPA's Great Lakes Program brings together federal, state, tribal, local and industry partners in an integrated, ecosystem approach to protect, maintain and restore the chemical, biological and physical integrity of the Great Lakes. The Boundary Waters Treaty of 1909 and the 1987 Great Lakes Water Quality Agreement (GLWQA) with Canada provide the basis for our international efforts to manage this shared resource. Additional responsibilities are defined in Section 118 of the Clean Water Act, Section 112 of the Clean Air Act Amendments, and the Great Lakes Critical Programs Act of 1990. The Great Lakes Five-year Strategy, developed jointly by EPA and its many state and agency partners and built on the foundation of the GLWQA, provides the agenda for Great Lakes ecosystem

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management in reducing toxic substances, protecting and restoring important habitats and protecting the health of human and ecosystem species.

The federal role in the Great Lakes is to steer this effort and to provide timely technical support and assistance, coordinating not only with U.S. partners, but also with Canadian counterparts. EPA's Great Lakes National Program Office (GLNPO) steers and coordinates activities at a Great Lakes basin level. Regional teams and programs steer and coordinate activities focusing on lakes Ontario, Michigan, Erie and Superior and their areas of concern. For federal fiscal year 1997, EPA will conduct the following activities.

Monitor lake ecosystem indicators. The joint GLNPO/Canadian atmospheric deposition network (including air monitoring stations on each Great Lake) will provide trend and base-line data to support and target remedial efforts and measure environmental progress under Remedial Action Plans (RAPs) and Lakewide Management Plans (LaMPs). GLNPO, with its Canadian counterparts, will report on environmental indicators in the biennial State of the Lakes Ecosystem Conference which brings together more than 400 participants from the public and private sectors to facilitate decision making based on environmental risk and science.

Manage and provide public access to Great Lakes data. EPA's integrated Great Lakes information system, developed by GLNPO and its state and federal partners, will deliver LMMB, and other scientifically sound, easily accessible environmental information to decision makers and the public by traditional means and via the Internet. GLNPO will pilot techniques to provide public access to LMMB data via the Internet.

Help communities address contaminated sediments in their harbors. EPA will complete its \$1.5 million contribution to the third, on-the-ground, state and federal cleanup of contaminated sediments at a competitively chosen Great Lakes location. In addition, GLNPO will do field work and fund contaminant assessment and remedial design for state and local groups at areas of concern.

Support local protection and restoration of important habitats. GLNPO will assist new habitat protection and restoration activities at ecologically important locations around the Great Lakes Basin.

Promote pollution prevention through activities and projects such as the Binational Virtual Elimination Strategy. EPA will continue to target reduction of toxics, with an emphasis on those addressed in the Binational Virtual Elimination Strategy.

Provide and promote community-based environmental protection, especially in areas of concern. USEPA will work side-by-side with, and provide funding for, local communities to address these issues.

Lake Superior

Staff from the MPCA and EPA Region 5 will discuss at a later date the details of how EPA will support this initiative in Minnesota.

Upper Mississippi River Basin

Staff from the MPCA and EPA Region 5 will discuss at a later date the details of how EPA will support this initiative in Minnesota.

Public Participation

The MPCA is committed to providing opportunities for public participation in the development of future performance partnership agreements. For this year, the draft report was presented in a public forum, the MPCA Citizens Board meeting on August 27, 1996, for review and discussion by the public. Any comments received from Board members or citizens would have been reviewed and incorporated into the final report, as is appropriate. We did not receive any changes or revisions.

Guide To Division Programs That Address Joint Priorities

The agreement is divided into sections for each major program of the MPCA. Within each section is a summary of the environmental issues in Minnesota and a description of the programs agreed upon for the federal fiscal year 1997. Programs are grouped by environmental priority area.

Air Quality Program

Introduction

The goals and priorities of the MPCA Air Quality Division are:

1. Implementation of programs needed to achieve air quality goals including a sound permitting and compliance program and meeting requirements of the Clean Air Act.
2. Active participation in the MPCA's strategic directions activities.
3. Project XL, the federal and state regulatory-reinvention initiative to develop alternative, flexible strategies that achieve superior environmental benefit.
4. Creating a customer centered culture as a tool to help set priorities and improve program procedures.
5. Project DELTA, a four-year effort to build a new permitting, compliance and enforcement database for regulated facilities that will improve program efficiency and provide multimedia information.

Condition of the State

Substantial progress has been made to ensure that Minnesotans have clean, clear air that is protective of public health and the environment. Ambient-air monitoring shows that Minnesota, as a result of past and continuing efforts, has attained and maintained the National Ambient Air Quality Standards for all pollutants except for PM₁₀. New administrative orders have been prepared for the PM₁₀ nonattainment area which should ensure that all areas of the state will be meeting standards in the future. These orders will be submitted to EPA Region 5 as a revision to our PM₁₀ State Implementation Plan. We will continue to work with EPA in the development and adoption of strategies to control carbon monoxide to assure attainment and maintenance of the standards. The first Title V operating permits have been issued and the permitting program is focusing its efforts on new construction projects, major modifications and major emission sources in the state. Major sources include the electric utilities, taconite plants, refineries and pulp and paper plants. We anticipate that Title V permits covering sources that emit between 60 and 70 percent of total emissions will be issued by the end of FY 1997. We will continue to issue construction permits, synthetic minor operating permits and federally enforceable, state operating permits as needed. The compliance and enforcement program has undertaken a new direction by investing resources in up-front involvement in the permitting process. This initiative is expected to result in a higher rate of compliance in the future and an increased ease and efficiency in future enforcement actions. In addition, the compliance and enforcement program also developed an innovative enforcement agreement with EPA Region V that includes setting joint priorities, eliminates real-time oversight of Minnesota's air enforcement program by EPA and establishes program evaluation through self audits and assessments⁴.

Cause of the Problem

A major concern in the air program is the need to develop comprehensive and meaningful performance indicators, particularly to address the regulation of air toxics, measuring permitting efficiency, timeliness of compliance determinations, and effectiveness of the compliance-assistance program. While some measures have been developed, an agency-wide initiative is under way to improve those measures. In addition, staff from the MPCA and EPA are beginning a process to develop measures and indicators for the EPA Region 5 and State priorities. The air-emission fee system is viewed by some in Minnesota as being unfair because it fails to assess fees to all sources of air pollutants. In addition, there is a concern that the system not only fails to create an incentive to reduce air emissions, but can result in fee increases (in dollars per ton) while emissions decrease. A committee of stakeholders and customers has been formed to review the issues and to suggest a course of action. A report of that process should be available in late 1996.

⁴ A copy of this agreement was included in the MPCA's 1996 Self Assessment.

Finally, the ambient-air monitoring program has failed to report and submit air-quality data to EPA Region 5 and AIRs in a timely manner. This has been due in part, to antiquated hardware and software. A new data management project was initiated this spring to address this problem. Staff resources have been dedicated to the project and it is hoped that data reporting will be back on schedule soon, and that a new ambient-air data management system can be developed in the next year or so that fully meets the MPCA's and EPA's current and future data reporting needs.

Opportunity for Gains

One of the most important issues that must be addressed is to obtain full approval from EPA for our Title V program. This includes implementation of the permit reforms that have been initiated by EPA and the streamlining activities that are being pursued by the MPCA. As the MPCA staff gain more experience with the Title V program, permit consistency should improve. We do not anticipate adoption and submittal of any substantial changes to the Title V program until EPA adopts final Part 70 revisions. We do plan to submit a request for full program approval by the end of 1996. The development of a New Source Review tracking system is also needed. This will require continued cooperation between the MPCA and EPA Region 5 staff.

Pollution prevention has been a special emphasis program for the MPCA for some time. Now it is time to begin integrating pollution prevention into the day-to-day permitting, regulatory compliance and rulemaking activities of the air-quality program. There are a number of activities under way where there are opportunities to accomplish this. We've begun a project to help review air-quality rules for barriers and opportunities to practice pollution prevention. The Small Business Compliance Assistance Program is conducting a special project to achieve significant reductions in air toxics and ozone-forming pollutants from the wood-finishing industry by increasing compliance with that go far beyond compliance with the regulations. In addition, Project XL activities and the establishment of plant-wide applicability limits in permits offer excellent opportunities to demonstrate the flexibility and environmental benefits offered by pollution prevention. Assistance and cooperation from EPA Region 5 staff will be crucial to capitalize on these opportunities. Finally, as EPA moves closer to a decision on new standards for particulate matter and ozone, the MPCA's air quality staff will need to work more closely with EPA and other states to understand the implications of these standards and the program changes that may be required.

EPA Region 5 and State Priorities

The activities described in this section as being conducted in whole or in part by the MPCA are supported by a combination of state and federal funds. The federal funds are awarded under the authority of section 105 of the Clean Air Act. For federal fiscal year 1997, these funds will amount to \$1,771,463 and will support 27.35 work years. Any MPCA activities described herein which are not supported by this source of funding are so identified.

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Reduction of Toxics

Program	Goal/Objectives	Activities	Responsibility	Measures
Waste Combustor Initiative	Develop and implement strategies to address the compliance status of various categories of waste combustors.	Develop strategies by the end of the first quarter of FY 1997 with implementation to follow.	MPCA Compliance and Enforcement Section <i>Not grant funded</i>	Completed written strategy Other indicators are developed.
NESHAPs	Adopt federal NESHAPs into state rule to obtain delegation authority to implement and enforce the NESHAPs.	Rulemaking	MPCA Program Development & Air Analysis Section	Rules are promulgated and published in the state register (next scheduled update is December 1996).
Landfill 111(d) Plan	Implement the NSPS and emissions guidelines for landfills.	Draft rules that incorporate the NSPS and application to existing landfills.	MPCA staff, EPA review and approval of 111(d) plan	Landfill 111(d) plan is submitted by December 1996.
Dry Cleaner Partnership	Further reduce emissions of perchloroethylene from dry-cleaning facilities in Minnesota.	Provide information on health effects of perchloroethylene. Provide technical information and outreach at industry conferences and through fact sheets, facility tours and pilot studies.	MPCA Program Development & Air Analysis Section with Assistance from the Minnesota Technical Assistance Program	Follow-up survey from 1993 to determine use of perchloroethylene compliance with NESHAP standard (Report expected in late 1996).

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Community-Based Environmental Protection

Program	Goal/Objective	Activities	Responsibility	Measures
Pilot Project to include Air Toxics Limits in Permits	Create a partnership with an industry group and their community to reduce toxic air pollutants that would not otherwise be covered by state or federal rules.	Select an industry sector, identify pollutants and develop a strategy with the industry and community.	MPCA AQ Division in partnership with an industry and community groups <i>Not grant funded</i>	Permit developed with enforceable limits. Reductions in emissions. Anticipate starting this project in early 1997 and expect it to take about one year.
City of Owatonna Project XL Pilot	Develop, implement, and sustain a plan to achieve community-wide environmental excellence.	Conduct environmental education and audit programs. Identify and prioritize pollution sources. Develop strategies for a positive impact on the environment.	All MPCA divisions will have a role in the project. MPCA DAQ plans to contribute significant resources to address air-related issues.	Status reports on key activities. MPCA approval of a plan to achieve community-wide environmental excellence.

Brownfields Redevelopment

Program	Goal/Objective	Activities	Responsibility	Measures
Contaminated Soils Initiative	Facilitate cleanup of contaminated soil sites.	Develop consistent permit requirements for soil roasters, identify and develop permit for one large utility boiler.	AQ Division, GWSW Division, Hazardous Waste Division, Soil Roasters and NSP <i>Not grant funded</i>	Permits issued by the end of the second quarter of FY97. More timely site cleanup.

Measure and Manage for Environmental Results

Program	Goal/Objective	Activities	Responsibility	Measures
Inspection Priorities Initiative	Develop and implement strategies to prioritize and conduct inspections for FY '97.	Develop strategies by the end of the first quarter of FY '97 with implementation to follow, taking into consideration such issues as: toxic pollutants, community concerns, brownfields redevelopment, problem facilities, large polluters, NESHAPs, and others.	MPCA Compliance and Enforcement Section <i>Not grant funded</i>	Completed written strategy. Other indicators will be developed.

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Ambient Air Quality Monitoring	Maintain NAMS and SLAMS sites for criteria pollutants to determine compliance with air-quality standards.	Maintain and/or re-establish monitoring sites as needed. Improve data reporting performance. Continue to develop new data management system.	MPCA Program Development & Air Analysis Section, EPA Region 5 Monitoring Staff	Meet data reporting and QA/QC requirements.
State-wide Air Toxics Monitoring	Characterize the ambient air concentrations of VOCs and metals in various locations around the state.	Design study, initiate monitoring, measure and quality-assure samples, statistically analyze the data and report results.	MPCA Program Development & Air Analysis Section <i>Not grant funded</i>	Monitoring initiated September 1996. Data reported annually.

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Measure and Manage for Environmental Results (Continued)

Program	Goal/Objective	Activities	Responsibility	Measures
PM _{FINE} Monitoring	Develop and implement a PM _{FINE} monitoring plan.	Purchase equipment, identify sites and initiate monitoring.	MPCA Program Development & Air Analysis Section, EPA Region 5 Monitoring Staff <i>Not grant funded</i>	Dependent on grant for the purchase of monitoring equipment.
Great Lakes Air Toxics Emission Inventory	Compile and track emissions of 49 toxic air pollutants emitted by point, area and mobile sources	Install RAPIDS, identify data needs, develop area source protocols, populate database, and provide inventory to Great Lakes Commission.	MPCA Program Development & Air Analysis Section, Great Lakes Commission, Great Lakes National Program Office <i>Not grant funded</i>	Emission data loaded into RAPIDS database at the Great Lakes National Program Office in late 1996.
Auto Service Industry Initiative	Target auto service and repair industry to improve environmental and business performance, including capturing and recycling of CFCs.	Education targeted to the industry.	MPCA Small Business Assistance Program Staff in partnership with the industry <i>Not grant funded</i>	Material usage reduction for the industry. Project begins in July 1996 and is expected to last through July 1997.

Cultural Change

Program	Goals/Objectives	Activities	Responsibility	Measures
Permit Application Review Teams	Use a team approach to review permit applications and issue facility permits.	Team formation, site visits, application review and permit issuance.	MPCA Air Quality Division <i>Not grant funded</i>	Permits are issued.
Enforcement and Compliance Assurance Program	Optimize the use of our combined regulatory resources by outlining the responsibilities of the two programs, acknowledging the shared responsibility for implementation of the enforcement and compliance program.	Meetings scheduled on July 9, 10 and August 27, 28, 1996. Final FY '97 Memo of Understanding (MOU) completed by Oct. 1, 1996.* *Final FY '98 MOU by Oct. 1, 1997	EPA Region 5 Enforcement Branch and MPCA Air Quality Compliance and Enforcement Section <i>Not grant funded</i>	MOU is completed.

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Self-Audit Report (joint self assessment)	Provide measurements of various programmatic and environmental indicators, an overview of the past year and suggested program improvements to achieve our mutual goals.	Final self-audit report	EPA Region V Enforcement Branch and MPCA Air Quality Compliance and Enforcement Section <i>Not grant funded</i>	Completed joint Self-Audit Report available by Oct. 31, 1997.
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Cultural Change (Continued)

Program	Goals/Objectives	Activities	Responsibility	Measures
Air Quality Pollution Prevention Initiative	Integrating pollution prevention into the air quality program.	Review rules, provide training to MPCA air quality staff, develop regulatory incentives, develop outreach and recognition for the regulated community.	MPCA Air Quality Division, EPA, and regulated parties <i>Not grant funded</i>	Measures to be developed.

RCRA Program

Condition of State

Compliance

Ultimately, the state seeks to reduce the impacts of toxics and hazardous waste on human health and the environment by reducing the amount of hazardous waste generated, assuring that what is generated is properly managed and abating any releases. Much has been accomplished in bringing hazardous waste into a management system and compliance with current laws is good. However, many of the smaller generators have not yet been identified and, therefore, may not yet be educated on proper waste management. Also, there are still businesses who ignore RCRA regulations and improperly manage hazardous waste.

Pollution Prevention

The larger generators have been practicing pollution-prevention activities for several years and we have seen some reduction in the amount of hazardous waste generated. The smaller generators are beginning to practice pollution prevention and their waste volumes are being reduced to the point where they drop below regulatory thresholds. Staff received basic training in pollution prevention, and offer advice and encouragement to the regulated community on site. The MPCA is conducting

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a survey of businesses to determine if they need and would like to additional pollution-prevention assistance from the MPCA. More needs to be done to measure and encourage waste reductions.

Universal Wastes

Through the special-wastes pilot project – which involves reduced regulation and enhanced collection opportunities for certain, widely generated wastes – the MPCA has reduced the amount of these wastes entering the environment. Also, access to collection sites for household-hazardous waste is available to all Minnesota citizens.

Remediation

Corrective action has been initiated at all high-priority facilities. In addition, other generator clean-up sites are being discovered and worked on with appropriate levels of oversight.

Identifying and Targeting Risks

We are making some progress in targeting resources to the greatest risks, but identifying and prioritizing risks is still extremely difficult. We are having difficulty measuring what we are actually accomplishing.

We have targeted mercury, a high-priority toxin with documented, adverse effects on human health and the environment. The MPCA has initiated a number of innovative mercury studies and collection efforts that we hope will reduce the effect of this bioaccumulative toxin. To reduce mercury in products, we have worked with Minnesota legislators on groundbreaking legislation, and with manufacturers on voluntary reductions and collections of mercury. We are beginning to explore effective ways to help the public become environmentally educated consumers.

We have developed an inspection strategy to help us target our resources (see Appendix C, p. 57).

We have evaluated compliance trends to target the most serious categories of violators.

We are re-evaluating and restructuring the regulation of very small quantity generators (VSQGs) – which we believe pose low risk – to make best use of public and private resources.

Minnesota is continuing to develop program environmental indicators as well as agency-wide indicators. We will work to incorporate EPA indicators as part of the overall state development of indicators.

Customer Service

Our customers are asking for less segmentation by media and for us to approach their needs in a holistic or multimedia way. They want more assistance and education, and they want it targeted specifically to their situations. To move toward a multimedia approach to environmental regulation, we have participated in education, assistance and inspection efforts with other MPCA programs,

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some of which were targeted to specific industry sectors. In addition, we have participated in the innovative Project XL program with permits for 3M, U.S. Steel Minn-Tac, U.S. Filter, and Andersen Corporation.

The state has also implemented an environmental-auditing program but response from small businesses has been disappointing.

We continue to test creative program approaches. Major benefits have come from an improved relationship with the regulated community and local government. We have approached the regulated community about entering into partnership agreements whereby we share resources in providing assistance and give them an active role in determining regulation, and they are receptive.

We continue to see enforcement as an appropriate regulatory tool and have implemented an inspector certification program.

We will continue to work with EPA by having conference calls, visits to EPA Region 5 offices, joint inspections with EPA, annual file audit by EPA and by maintaining open communications.

Cause of the Problem

Compliance

One reason that hazardous waste is still being mismanaged is that it's often difficult for companies to understand which rules apply to their operations. The RCRA program is very complex because it covers a wide range of regulated activities. The state and EPA will work toward making the RCRA rules and program guidance more effective and user friendly. An example of this difficulty is that RCRA applies to a group of wastes that vary widely in their actual and potential health and environmental effects. Transportation and disposal is very expensive and accompanied by extensive paperwork. Hopefully, the efforts that EPA has undertaken to deregulate universal wastes (based in part on Minnesota's special-wastes pilot) and to provide more available exits from RCRA regulation (HWIR) will ease some of these burdens. The MPCA and EPA will work toward improving the effectiveness and ease of use of the RCRA rules and program. The MPCA will take appropriate enforcement action in a timely and appropriate manner when violations are found during an inspection.

Pollution Prevention

A lack of understanding about what causes businesses to institute pollution prevention and what the MPCA's role is in encouraging it have resulted in a less effective pollution-prevention program than we hoped. Also, reluctance of business to share data and the numerous mitigating factors make measurement very difficult. Pollution prevention is a high priority for Minnesota but the training required to make it a meaningful benefit to industries is cost prohibitive. We are currently analyzing the results of surveys asking our customers what kind of assistance in pollution prevention they would like from the MPCA and we will develop strategies to provide that assistance.

Universal Wastes

As stated above, one of the primary reasons that universal wastes continue to be mismanaged is because RCRA is so restrictive and inflexible. Common low-risk wastes generated in small quantities by large numbers of generators were required to be managed in an identical fashion as high risk wastes. That problem is beginning to be solved through the Universal Wastes Rule.

Remediation

Many times, hazardous wastes which are mismanaged by hazardous-waste generators cause contamination. As this contamination is discovered by various methods, cleanups are necessary.

Identifying and Targeting Risks

Our ability to target high-risk areas is hampered by a lack of data and a lack of comprehensive ways to measure the effectiveness of our efforts (doubly difficult in a prevention program). Because RCRA is both inclusive and prescriptive, it reduced the need to assess and prioritize the different waste streams, making research on health and environmental effects incomplete. Future planning is additionally hampered by tenuous funding assurance. Fees are unpopular and, if used as an incentive for waste reduction, will cause funds to decrease as reduction is successful.

Customer Service

The need for timely, encompassing regulation to address burgeoning environmental problems resulted in a “one-size-fits-all” method of regulation and a lack of understanding of what our customers need. Economic considerations have lead the public to demand more of government, both in outcomes and in service. The numerous demands of a complex world cause business owners and operators to ask for quick, convenient and thorough education on the bottom-line requirements and for the ability to participate in the decision-making processes that effect their businesses.

Opportunity for Gains

Compliance

We will continue to work with EPA to make RCRA more risk based and reduce the burden of managing lower risk waste.

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Pollution Prevention

The MPCA recently conducted a survey of businesses on how the MPCA can assist them and provide incentives for reducing the toxicity and volume of their wastes. We will share the information with EPA and will work together to develop useful assistance strategies. We will pilot those strategies initially in the Lake Superior Initiative. We will also continue to work with EPA to develop and refine appropriate measurement methods.

Universal Wastes

The MPCA will continue to run the Special Wastes Pilot Project, which provides convenient and less expensive collection for universally generated low-risk wastes. In addition, the MPCA will adopt the Universal Waste Rule promulgated by EPA.

Remediation

We will continue to identify contamination sites and facilitate cleanups.

Identifying and Targeting Risks

The MPCA is currently drafting environmental and performance indicators that will guide us in setting priorities based on risk. We are also developing plans for data collection and management, which should be facilitated by the MPCA computerization project, Project DELTA. In partnership with EPA, we will develop a plan to begin educating consumers on constituents in products that may negatively effect human health and the environment. We will also work with EPA to assess the risks of the various hazardous-waste streams and target regulations and resources accordingly.

Customer Service

Using the lessons learned from the Lake Superior Initiative, we will develop a marketing strategy that focuses on our customers and regularly obtains and analyzes input. We will target our program efforts geographically, initially in the Lake Superior Basin, and by industrial sector, as requested by our customers, and will refine and improve our multimedia approach to environmental management. Under the Lake Superior Initiative we will continue to work with other media programs to target education and assistance efforts to our mutual, small-business customers.

EPA Region 5 and State Priorities

The activities described in this section as being conducted in whole or in part by the MPCA are supported by a combination of state and federal funds. The federal funds are awarded under the authority of section 3011 of the Solid Waste Disposal Act. For federal fiscal year 1997, these funds will amount to \$1,653,511 and will support 35.65 work years. Any MPCA activities described herein which are not supported by this source of funding are so identified.

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Reduction of Toxics

Program	Goals/Objectives	Activities	Responsibility	Measures
RCRA	Minimize impacts of toxics on environment.	<ul style="list-style-type: none"> a. Decide on toxics to target by 3/15/97; at a minimum, mercury and PCBs. b. By 9/30/97 identify role in educating consumers on targeted toxics in products. Include other divisions and states. c. By 9/30/97 identify our role in working with manufacturers to voluntarily reduce targeted toxics in products. d. Continue to experiment in Lake Superior Initiative with creative ways to reduce impact of mercury , PCBs and other targeted toxics in Basin. Develop activities by 1/15/97 e. Direct pollution prevention efforts in Lake Superior Initiative to targeted toxics. f. Direct inspections to targeted toxics g. Work on targeted toxics. 	<ul style="list-style-type: none"> h. Both i. Both j. Both k. MPCA l. Both m. Both n. Both 	<p>Agency-wide and program specific measures being developed.</p> <p>Sales of products containing toxics (if industry shares data).</p> <p>Toxic Release Inventory Report - should show drop in targeted toxics if successful.</p>

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Reduction of Toxics (Continued)

Program	Goals/Objectives	Activities	Responsibility	Measures
RCRA	Minimize impacts of toxics on environment with emphasis on mercury and PCBs.	Work with EPA to develop plan to educate consumers on toxics in products. Work with manufacturers to voluntarily reduce toxics in products.	Both	Agency-wide measures will be developed. Sales of products containing toxics Toxic Release Inventory Report

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Community-Based Environmental Protection

Program	Goals/Objectives	Activities	Responsibility	Measures
RCRA	Partner with regional offices, local government, citizen groups and other local organizations to assess and deliver needed environmental services.	<p>a) By 9/30/97 determine which geographic sectors to target based on environmental risk and readiness of locals to partner.</p> <p>b) Assist interested county and municipal governments in developing knowledge necessary to deliver multimedia environmental services, such as education (including pollution prevention) and conducting on-site visits and inspections. Possible partners are the seven metropolitan counties and Olmsted Co.</p> <p>c) Work with other divisions, local government and industrial sectors in providing convenient collection and management of Very Small Quantity Generator (VSQG) wastes at household collection facilities, Subtitle D facilities and other MN waste management facilities that have the technology to safely manage the waste.</p> <p>d) Under the Lake Superior initiative, conduct activities b and c in the Lake Superior Basin.</p>	<p>e) MPCA</p> <p>f) MPCA</p> <p>g) MPCA</p> <p>h) MPCA</p>	<p>Number of private VSQG collection outlets established.</p> <p>Number of local government entities providing environmental services (education, on-site assistance, inspections, collection.)</p> <p>Amount of VSQG wastes being collected.</p> <p>Amount of hazardous waste properly stored.</p> <p>Amount of hazardous waste properly managed.</p> <p>Amount of hazardous waste improperly managed.</p> <p>Amount of hazardous waste generated.</p> <p>Feedback from customers on satisfaction with services.</p>

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Brownfields Redevelopment

Program	Goals/Objectives	Activities	Responsibility	Measures
RCRA	Abate releases of hazardous waste.	a) Identify brownfields areas. b) Continue with appropriate remediation efforts. c) Target inspections to highest risks to prevent future brownfields.	d) Both e) MPCA f) MPCA	Acres of brownfields developed. Acres of new brownfields.

Measure and Manage for Environmental Results

Program	Goals/Objectives	Activities	Responsibility	Measures
RCRA	Become a risk based, outcome oriented organization.	a) Participate in Agency comparative risk project and other risk assessments. b) By 9/30/97 develop program specific indicators based on Agency indicators guidance and EPA guidance, and begin collecting appropriate data. c) Work with EPA to assess risks of the various hazardous waste streams and management activities d) Collect appropriate data. e) Align resources to risks and outcomes. (a) EPA: share information on innovations and highest successful outcomes nationwide.	f) MPCA g) Both h) Both i) Both j) EPA k) EPA	Alignment of program activities with Agency priorities. Outcomes are measurable. Environmental results are achieved (see indicators throughout this document). Response to new priorities is timely.
RCRA	Target resources to highest risks.	Determine and implement effectiveness measures. Collect appropriate data. Work with EPA to assess risks of the various hazardous waste streams and management activities. Align resources to highest environmental risks.	Both	Amount of hazardous waste generated Amount of toxics generated (Source: TRI) Amount of P and U listed wastes (Source: HWIMS database)

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Measure and Manage for Environmental Results (Continued)

Program	Goals/Objectives	Activities	Responsibility	Measures
RCRA	Reduce amount of hazardous waste generated by encouraging pollution prevention.	Based on recent surveys, assess role of MPCA and EPA in assisting businesses to practice pollution prevention and develop strategies. Determine and implement effectiveness measures and incentives by 9/30/97. Explore incentives and rewards for waste reduction. Collect appropriate data. Work with EPA to assess risks of the various hazardous waste streams and management activities. Align resources to practice pollution prevention and develop strategies.	Both	Amount of hazardous waste generated. Numbers of generators. Amount of P and U listed wastes (source: HWIMS database). Others measures as developed. Declines in numbers of large quantity generators
RCRA	Implement appropriate level of regulation for all segments of regulated parties.	<ul style="list-style-type: none"> a) Continue restructuring VSQG regulations (not EPA funded). b) Continue to work with EPA on grant flexibility and changes to RCRA to focus on outcome based regulations. c) Adopt universal waste rule by 9/30/97. d) Continue special wastes project. Add additional wastes if appropriate. e) Implement Agency Strategic Plan (risk based customer focus organization). f) Continue to modify inspection strategy. 	<ul style="list-style-type: none"> g) MPCA h) Both i) MPCA j) MPCA k) MPCA l) Both 	Amount of hazardous waste properly managed. Amount of hazardous waste improperly managed. Amount of hazardous waste properly stored. Feedback from customers on satisfaction with services. Customer confidence Level of compliance

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Measure and Manage for Environmental Results (Continued)

Program	Goals/Objectives	Activities	Responsibility	Measures
RCRA	Ensure proper management of hazardous waste.	a. Develop annual inspection strategy. a) Implement geographic and sector approach to environmental protection. b) Our preferred method of ensuring proper management of hazardous waste is education. Target education and assistance activities to highest risks. Determine waste streams, sectors and geographic areas to target by 9/30/97. c) Develop a plan to promote the audit program by 9/30/97 d) Use the manifest data more effectively to quantify waste stream data and identify improper management. e) In Lake Superior Initiative, experiment with different levels of inspections based on risk and assess results. f) Develop and implement tiered permit system. Continue to update, modify and reissue existing TSD permits	MPCA g) Both h) Both i) MPCA j) MPCA k) MPCA l) MPCA m) MPCA	Level of compliance Indicator for technical storage Amount of hazardous waste properly managed. Amount of hazardous waste improperly managed. Amount of hazardous waste properly stored. Feedback from customers on satisfaction with services.
RCRA	Continue to remedy hazardous waste cleanup sites.	Target highest risk contamination. Continue to identify release sites through inspections and audits. Continue to provide cleanup loans	MPCA	Number of cleanups initiated. Number of cleanups completed.

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Cultural Change

Program	Goals/Objectives	Activities	Responsibility	Measures
RCRA	Use multimedia approach to environmental management.	a) Work with other divisions, EPA and industry to provide education, assistance, inspections and other activities across all media. Details are contained in the activities throughout this document. b) Conduct inspector exchange program with other programs. c) Create and fill a multimedia position to serve as a model for future positions.	d) Both e) MPCA f) MPCA	Customer confidence
RCRA	Obtain continuous feedback from our customers.	Conduct focus groups, surveys, public hearings, etc., to continually obtain customer feedback. Make changes to rules, assistance and enforcement efforts, etc., based on the feedback Assess the effects of the changes on environmental outcomes and customer satisfaction. Make customers aware of services available through our programs.	Both	Customer confidence Level of compliance
RCRA	Form strategic alliances to efficiently pursue shared environmental protection goals.	Recognizing that we protect the environment by working with other people, work with other divisions, local government, business and organizations to form partnerships to achieve environmental results. Details are contained in the activities throughout this document.	Both	None identified yet.

Underground Storage Tank Program

Condition of State

The Underground Storage Tank program has provided more than 50 statewide leak-detection workshops for about 2,800 owners and operators of underground storage tank systems and has provided certification and recertification training for about 600 supervisors and 275 companies that work on tanks in Minnesota. The benefit of this effort is that the owners and operators of underground storage tanks have first hand knowledge of the current and future requirements and their options for complying with the rules. In addition, the program staff have conducted about 475 inspections and issued or negotiated over 60 administrative penalty orders or stipulation agreements since 1993 thus ensuring compliance with the UST rules. The program also publishes a newsletter with a circulation of 14,000 owners, operators and contractors. The program is now beginning to strongly encourage an environmental auditing program which will complement the staff's field presence and further ensure that owners and operators are coming into compliance. However, despite these efforts, many tank owners have not yet met the 1998 rules and many owners will not meet the 1998 deadline.

Cause of the Problem

One reason that prevents many tank owners and operators from upgrading their tank systems is inadequate funding, which is another way of saying that they do not have an adequate volume of sales to support the upgrades needed by 1998. Also, some smaller tank owners and operators are not fully aware of the rules because they are not members of petroleum organizations and have not attended the leak-detection workshops. Many will continue to operate in noncompliance until the staff inspect their facilities. Another area of the program that needs enhancement is the updating of spill and overfill information in the database of tanks sites registered before 1992. This effort will provide a better picture of the number of UST systems in the state that will need to be updated prior to December, 1998 and where to focus the program's outreach activities. In addition, the staff will need to keep up with computer technology advances for data management in an effort to continue to provide and enhance its reporting capability and measure the program's outcomes and trends.

Opportunity for Gains

The program will continue to assess facilities for compliance with tank storage rules through its inspection and audit activities, promote tank upgrades during the next few years and train owners and operators in requirements for leak detection. The staff will also use a geographic and risk-based approach to target inspections and prevent leaks. We can multiply our efforts by encouraging the owners and operators to conduct self environmental audits. This will be a program priority. Finally, the staff intends to contact owners and operators to update the database management system. These

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efforts, and the notification by owners and operators of the upgrades, removals, and installation of tanks at their sites, will give us a tool to determine the number of UST systems in compliance with the 1998 upgrade rules.

EPA Region 5 and State Priorities

The activities described in this section as being conducted in whole or in part by the MPCA are supported by a combination of State and Federal funds. The Federal funds are awarded through Subtitle I of the Resource Conservation and Recovery Act (RCRA). The award is also subject to the requirement of the RCRA of 1976 (P.L. 94-580), and the Hazardous and Solid Waste Amendments (HSWA) of 1984 (P.L. 98-616), and also Section 205 of the Superfund Amendments and Reauthorization Act (SARA) of 1986 (P.L. 99-411), which established Section 9003(h) of RCRA. For Federal Fiscal Year 1997, we anticipate the Underground Storage Tank Program will receive funds in the amount of \$186,000, and will support 3.5 work years. Any MPCA activities described herein which are not supported by these sources of funding are so identified.

Note: Core Performance Indicators are included in Appendix A, p. 53. Information on items common to the UST and LUST Programs are described in Appendix B, p. 56.

Community-Based Environmental Protection

Program	Goals/Objectives	Activities	Responsibility	Measures
UST Compliance and Assistance	Tribal issues	Provide tribal information to EPA. Bring tribal staff along on inspections to train a tribal inspector.	MPCA (with no funding support from EPA)	Qualified tribal inspector is hired.

Measure and Manage for Environmental Results

Program	Goals/Objectives	Activities	Responsibility	Measures
UST Compliance and Assistance	Reporting	Report number of tanks petroleum UST systems; number of closed UST systems; number of hazardous substance UST systems; and submit FSR.	MPCA	FRSs submitted within 60 days of end of quarter and other numbers submitted semiannually.
	Data Management	Update certification.	MPCA	Report the number of certified contractors to EPA quarterly or semiannually.

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	Outreach	Publish two newsletters. Give information to regulated community and others. Send outreach packets to tank owners.	MPCA	Number of packets mailed
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Measure and Manage for Environmental Results (Continued)

Program	Goals/Objectives	Activities	Responsibility	Measures
UST Compliance and Assistance	Tank Notification	Enter tank notification and MPCA removal information into database.	MPCA	Enter data within 30 days of receipt.
	Maximize compliance by 1998.	Inspections/audits	MPCA EPA is providing \$72,400 toward the audit effort in FY 97	Number of UST systems equipped to meet the requirement for leak detection. Number of UST systems equipped to meet the requirements for upgrading. Annual self-assessment report will discuss actions taken to achieve compliance.

Leaking Underground Storage Tank Program

Condition of State

We have discovered more than 9,000 leaking petroleum storage tank sites in Minnesota since 1987. About 900 new sites are being discovered each year. We expect the influx of new sites to continue at this same rate for the next few years. We recognize that not all petroleum tank releases are reported to us, and that we will have to deal with them as they become known.

Staff in our Leaking Underground Storage Tank (LUST) program have closed 5,930 leaking petroleum storage tank sites to date. The fundamental responsibility of our staff is to review reports submitted by responsible parties and their consultants describing the environmental conditions at leaking petroleum storage tank sites within 120 days of their receipt, and to make decisions regarding these sites based on the information provided.

Through the use of our LEAKS data base, we are able to track activities at all leak sites in Minnesota. We will continue to use the LEAKS database to provide the standard environmental indicators to EPA describing the status of our program. We will try to accommodate forthcoming requests from EPA to provide additional environmental indicators, and will attempt to develop other useful indicators of programmatic success on our own initiative. The MPCA's annual self-assessment report will describe the various enforcement tools we have used to clean up contaminated sites.

Recent cutbacks in federal funding are dramatically reducing the size of our staff. This seriously constrains our ability to thoroughly and promptly review these reports. Nevertheless, streamlining efforts that went into effect within the last year have allowed us to keep pace with the influx of reports to ensure we are in a position to respond promptly to releases when circumstances require it.

Cause of Problem

The major cause of petroleum storage tank releases is the poor condition of older tanks and their associated distribution systems. This problem is being addressed through recent federal and state regulations.

As more tank owners assess and upgrade their tank systems to meet these regulations, more releases will be discovered. The incentive to assess and upgrade tank systems is to avoid enforcement action for failure to comply with these tank regulations. Also, reimbursement from the State Petroleum Tank Release Compensation Fund (which pays a portion of the costs associated with the remediation of petroleum tank release sites) is scheduled to end in the year 2000.

Together, these factors motivate owners to assess and upgrade their tank systems sooner rather than later. This leads us to believe that the discovery rate for new tank releases will remain high over the next few years.

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Opportunity for Gains

An increase in federal funding, or the stabilization of funding at historic levels, would allow us to maintain our staff complement so we can meet programmatic goals and customer expectations. Streamlining existing program processes will continue regardless of the funding situation, in the interest of providing better service with the same or fewer resources.

EPA Region 5 and State Priorities

The activities described in this section as being conducted in whole or in part by the MPCA are supported by a combination of State and Federal funds. The Federal funds are awarded through Subtitle I of the Resource Conservation and Recovery Act (RCRA). The award is also subject to the requirement of the RCRA of 1976 (P.L. 94-580), and the Hazardous and Solid Waste Amendments (HSWA) of 1984 (P.L. 98-616), and also Section 205 of the Superfund Amendments and Reauthorization Act (SARA) of 1986 (P.L. 99-411), which established Section 9003(h) of RCRA. For Federal Fiscal Year 1997, we anticipate the Leaking Underground Storage Tank program will receive anticipated funds in the amount of \$1,949,000 and will support 41 work years. Any MPCA activities described herein which are not supported by these sources of funding are so identified.

Note: Core Performance Indicators are included in Appendix A, p. 53. Information on items common to the UST and LUST Programs are described in Appendix B, p. 56.

Measure and Manage for Environmental Results

Program	Goals/Objectives	Activities	Responsibility	Measures
LUST	Improved Program Efficiency and Regulatory Relief.	Promotion of quicker and more cost-effective site investigations, cleanups, and closures.	MPCA	Reduced remedial action costs. Reduced site life expectancy.
	Assess and minimize impacts of LUST releases.	Review investigation reports submitted by responsible parties.	MPCA	Number of site closures Number of sites needing remediation
	Investigate and remedy LUST sites which have no responsible party.	Assume the responsibilities of the responsible party	MPCA	Number of fund-financed sites in program Number of fund-financed sites closed
	Education of consultants/ contractors involved with LUST sites	Consultants Day Continuous revisions of guidance documents Outreach	MPCA	Number of acceptable reports compared with the number of unacceptable reports

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Cultural Change

Program	Goals/Objectives	Activities	Responsibility	Measures
LUST	Improved decision making based on demonstrable risk to human health or the environment.	Internal Site Decision Review Committee	MPCA	Results from the Internal Site Decision Committee

Surface Water and Ground Water

Introduction

The MPCA addresses water quality issues primarily through two of its divisions. The Water Quality Division handles monitoring, assessment, permitting, enforcement, compliance, nonpoint-source and watershed issues of the state's surface waters. The Ground Water and Solid Waste Division handles all issues related to ground-water planning, as well as ground-water protection and remediation activities for contaminated sites and solid-waste management and disposal. Although these MPCA divisions work independently, there is obviously some overlap and program staff from each division work together and support each other's efforts.

The mission of the agency relative to surface water is to protect and improve the quality of Minnesota's water. Minnesota has nine, major river basins, 91,944 total river miles, 3,290,101 total lake acres, 11,842 lakes and 7,500,000 wetland acres. Over \$1.5 billion in public money has been spent to build wastewater treatment facilities in Minnesota. Maintaining this investment is a priority for the state. In addition, nonpoint sources of water pollution have become an increasing area of focus over the past several years. By partnering with local governments, EPA and interested citizens, the agency is striving to implement best management practices to abate these major sources of pollution.

Condition of State Surface Water

In Minnesota, four percent of our river miles have been assessed, and 33 percent of those assessed for aquatic life are impaired by pollution, while 59 percent of those assessed for recreation are impaired by pollution. Fifteen percent of our lakes and 53 percent of our lake acres have been assessed, and 20 percent of the lake acres assessed are impaired by pollution. Through the Toxic Chemical Release Inventory (TRI), our industries report that in 1994, a total of 56 million pounds of

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various toxic chemicals were released into our air, water or land, or were transferred off site for treatment or disposal.

Cause of the Problem

The Water Quality Division must obtain sustainable funding for basin program delivery needs, the proposed monitoring strategy and the NPDES permitting program. We must review and challenge assumptions based on the Federal 106 and SRF formulae. It is essential that we conduct better monitoring of implemented best management practices to determine their effectiveness. Additionally, it is becoming increasingly important to integrate priorities among surface water, ground water and other environmental media – such as air – as we begin basin management.

Opportunity for Gains

The MPCA's overarching priorities which will drive our programs over the span of this agreement are the transition to a basin management approach for managing our state's water resources, and the determination to obtain sustainable funding for our programs. The basin information documents developed in 1996 will be used to set goals and priorities, and will eventually develop into the division's work plan. The efforts of Phase II of the Blue Ribbon Task Force will serve to assist in developing and implementing methods to achieve sustainable funding for our permitting, compliance, and enforcement programs. (A description of the mission of the task force is included in the MPCA 1996 Self Assessment.)

The MPCA is currently working on a proposal to establish a comprehensive ambient monitoring program for surface water (CAMPS). This proposal will coordinate the monitoring efforts of several agencies in Minnesota to establish a long-term strategy for monitoring the state's surface water quality. A legislative package is being developed for consideration by the 1997 Minnesota Legislature.

This agreement will allow both the MPCA and EPA to maximize resources and efforts by streamlining our work. The MPCA will use the Performance Report to the Minnesota Legislature and the Water Quality Division Basin Information Documents as self assessments of our state's water quality programs. The biennial budget and annual spending plans of the MPCA will be used to provide an assessment of our fiscal accountability to EPA. The time and effort saved as we preclude the duplication of reporting will be focused toward meeting our program goals, and ultimately protecting Minnesota's water resources.

This agreement will help provide the framework for EPA's enhanced role as our partner in the coming year. Additional focus on communication and information sharing with EPA Region 5 will benefit our programs. EPA Region 5 Water Division's commitment to an increased field presence will help in this regard. Through our partnership, we will find mutual respect and the willingness to make reasonable compromises to achieve goals. As partners, we will achieve more than we would through individual efforts.

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Finally, the Water Quality Division is not seeking an early award of the performance partnership grant, but may work toward that goal in 1997. The possibility of moving to biennial grants in the future would be beneficial to the MPCA, and would be synonymous with the overall efforts of reducing duplicative efforts and streamlining administration of our programs.

The MPCA and EPA Region 5 agree that Minnesota has adequate programs to protect surface water quality and these programs do conformed with federal and state law. As long as the MPCA maintains an adequate program, EPA Region 5 Water Director, the MPCA Water Quality Division Manager and Ground Water and Solid Waste Division Manager agree that:

The MPCA will:

- Manage its base water-quality programs in accordance with the 1997 agreement.
- Complete all geographically-based planning, management and reporting for surface water within the context of basin plans developed through MPCA's Basin Planning and Management Process. Ground-water planning, management and reporting will be coordinated, as appropriate, with the basin plans.
- Confer with EPA Region 5 on:
 - x - variances from water-quality standards for major NPDES facilities;
 - x - issues involving interstate waters;
 - x - tribal/environmental justice issues that impact the state's water quality or the MPCA's ability to manage water-quality programs;
 - x - issues requiring federal intervention; and
 - x - other issues as mutually identified on an annual basis.
- Actively participate in information exchanges and share technology and policy improvements so that EPA can communicate information to other states.

EPA Region 5 will:

1. Consider MPCA's basin plans as replacements for annual program plans and the water-quality management plan;
2. Eliminate real-time oversight of MPCA's permits, limits and enforcement actions;
3. Consider MPCA's basin planning and management process as a framework for applying the elements of the Continuing Planning Process (CPP). The MPCA's basin plans will demonstrate that the MPCA is following its CPP;
4. Consider information drawn from MPCA's basin plans, from the reporting commitments described in this agreement, and from national databases as fulfilling all reporting requirements;
5. Support MPCA administration of water-quality programs by providing technical and legal information and assistance as appropriate;
6. Provide MPCA with information and training, as necessary, on new policies, approaches, strategies and technologies that have been successful in other states; and
7. Confer with MPCA on:
 - issues involving interstate waters;

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- tribal/environmental justice issues that impact the state's water quality or the MPCA's - ability to manage water-quality programs;
- issues requiring federal intervention;
- other issues as mutually identified on an annual basis; and
- incorporation of ground-water protection into watershed management and basin planning.

Condition of State Ground Water

Ground-water quality throughout the state generally supports its uses but there are areas where the ground water is currently contaminated or is threatened by potential contaminant sources. The MPCA's responsibility is limited to protecting ground-water quality from contamination by all activities other than those involving agricultural chemicals such as pesticides and fertilizers, which are the responsibility of the Minnesota Department of Agriculture (MDA).

Ground-water planning activities have included public input and other coordination efforts in several ways, coordinating activities with the needs identified in the MPCA's 1994 "State Assessment: Evaluation of Minnesota Activities Needed to Achieve a Comprehensive State Ground Water Protection Program," which included interagency cooperation (all state ground-water agencies coordinated through the Minnesota Environmental Quality Board's Water Resources Committee), public meetings, and solicitation of public comments and suggestions. Needs identified through these efforts help steer the direction of MPCA ground-water planning efforts.

Cause of the Problem

The MPCA has specifically identified ten, top priority ground-water contaminant sources as part of its EPA-required 1996 305(b) report:

1. agricultural chemical facilities (pesticides, fertilizers, petroleum);
2. fertilizer applications (nitrates, nutrients);
3. on-farm agricultural chemical handling, mixing, and loading procedures (pesticides, fertilizers);
4. land application of manure (pathogens, nitrates);
5. underground storage tanks (petroleum products);
6. landfills (chemical and biological products);
7. septic systems (pathogens, nitrates);
8. shallow injection wells (industrial chemicals);
9. hazardous waste sites (variety of chemicals); and
10. industrial facilities (industrial chemicals).

Opportunity for Gains

The following are some of the benefits we hope to gain through the ground-water planning program:

1. Increase state and local interaction and coordination.

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2. Provide adequate protection of public and private ground-water drinking supplies from the impacts of land use activities.
3. Increase understanding of ground-water quality, both base line and trends.
4. Provide easy and quick ground-water quality and quantity data access.
5. Make interaction of ground water and surface waters a larger component of MPCA activities.
6. Continue ground-water planning capability, addressing new topics and ensuring the inclusion of ground-water issues in existing programs within and outside the MPCA.
7. Continue past practice of moving small programs developed with EPA funding into the MPCA's mainstream of programs funded under other state sources; for example, the Integrated Ground Water Information System (IGWIS), Ground Water Monitoring and Assessment Program (GWMAP), business septic systems, and geographic information system (GIS) and geopositioning system (GPS) capability.
8. Continue discussions with state programs and EPA regarding possible additional benefits of seeking EPA endorsement of Minnesota's Comprehensive State Ground Water Protection Program (CSGWPP).
9. Address areas of weakness and capacity-building issues during strategic planning by state government, MPCA and the Ground Water and Solid Waste Division, as appropriate opportunities arise.
10. Continue to work with the Water Quality Division to expand the role of ground-water protection in basin planning and watershed management
11. Enhance ground-water monitoring and assessment of trends, including the interaction of quantity and quality, increasing the number of sources for data and improving data collection, automation and integration
12. Reduce ground-water contamination from residential and business on-site septic systems (MPCA Water Quality Division responsibility).

EPA Region 5 and State Priorities

The activities described in this section as being conducted in whole or in part by the MPCA are supported by a combination of state and federal funds. The federal funds are awarded under the authority of sections 319, 104b3, 106, 104g, and 604b of the Clean Water Act. For federal fiscal year 1997, these funds will amount to a total of \$4,176,407 and will support a total of 59.85 work years.

Federal Funding Authority	Amount of Funds	Work Years
319	\$2,200,000	31
104b3	\$650,000	9.5
106	\$808,000	12.75

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106 (Ground Water Grant)	\$233,407	3.1
104g	\$45,000	0.5
604b	\$240,000	3

Any MPCA activities described herein which are not supported by this source of funding are so identified.

Reductions in Toxics

Program	Goals/Objectives	Activities	Responsibility	Measures
Point Source and Nonpoint Source	Reduce toxic discharges.	Continue to incorporate principles of pollution prevention in NPDES permits.	Both	Toxic reduction plans in all Lake Superior basin permits by 1999.

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Reductions in Toxics (Continued)

Program	Goals/Objectives	Activities	Responsibility	Measures
Monitoring and Assessment	Standards and Great Lakes Initiative (GLI)	a. Develop and promulgate GLWQG rule for Lake Superior basin, including the public participation process as required by the Administrative Procedures Act (APA). b. Increased field presence assisting with GLI standards implementation. c. Support challenges to states on GLI	d. MPCA e. EPA f. EPA	Minnesota/APA rulemaking requirements are completed. EPA work toward locating a staff person in the St. Paul MPCA office.
Monitoring and Assessment	Update selected water quality standards through triennial review.	Incorporate updated ammonia information .	Both	Ammonia criteria updated.
Watershed Assistance	Increased awareness and presence in Lake Superior basin issues and programs.	EPA increased field presence in Lake Superior basin water quality activities	Both	EPA works toward locating a staff person in the Lake Superior Basin.

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	Support Lake Superior LaMP and St. Louis River RAP	LaMP for Lake Superior Mercury reduction through alternative caustic soda usage supporting transition of RAP to a nonprofit organization toxic load study toxic indicator project	Both	Decreased usage of toxics in the Lake Superior economy, public understanding of the goals, and local funding for RAP as it turns nonprofit.
Ground Water Planning	Continue ground-water planning capability -- MPCA storm water best management practices (BMPs) protect ground water.	Revise certain existing storm water Best Management Practices (BMPS) that may adversely affect ground-water quality.	MPCA	Number of BMPs developed/revised to prevent adverse impacts to ground water
		Provide information on documented ground-water impacts from storm water and other management practices.	EPA	Number of facilities using BMPs related to ground water
	Pesticide Management Plan provides adequate protection of public and private ground water drinking supplies from the impacts of land use activities.	g. Provide ground water protection input to Minnesota Department of Agriculture (MDA) and EPA h. Provide information on federal pesticides rulemaking and policy development	i. MPCA j. EPA	Continued interagency coordination in pesticide management activities.

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Community-Based Environmental Protection

Program	Goals/Objectives	Activity	Responsibility	Measures
Watershed Assistance	Basin management plans	Develop basin information documents for Lake Superior, Red River, and Minnesota river basins.	MPCA	Documents available Jan. 1997.
		Work with state to develop guidance for specific watersheds to coordinate pollution prevention, incentive-based volunteer efforts, education, outreach, and technical assistance.	EPA	Guidance available by Jan. 1997.
Watershed Assistance	Better coordination on federal interagency activities that impact surface waters.	Develop mechanism to identify federal interagency coordination needs, particularly focusing on Rainy River water quantity issues.	Both	Mechanism identified by September 1997.
	Coordinated interstate and international efforts.	Facilitate management of watersheds that cross state and national boundaries.	EPA	None identified yet.
	Implementation of 319 Management Program Plans	Submit work plans for each project.	MPCA	List of projects and work plans are submitted by October 30, 1997.
Monitoring and Assessment	Total maximum daily loads (TMDLs) and waste load allocation (WLA)	As conditions allow, perform TMDLs and WLAs to address 303(d) priority problems consistent with basin plans.	MPCA	TMDLs and WLAs are completed as identified in basin plans

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Ground Water Planning	Provide adequate protection of ground water-derived public drinking supplies from impacts of land use activities.	<ul style="list-style-type: none"> a) Continued development of guidance on management of potential contaminant sources in wellhead protection (WHP) areas. b) Provide data and direct technical assistance to WHP communities. c) Internal coordination - promote WHP as MPCA program, permitting and remediation decision-making priority. d) Serve as information clearinghouse for MPCA. e) Identify methods in use elsewhere, particularly successful ones, e.g., Local ordinances, guidance. f) Promote WHP as a priority in EPA permitting and cleanup programs (and in the programs' guidance to states). 	<ul style="list-style-type: none"> g) MPCA h) MPCA i) MPCA j) EPA k) EPA l) EPA 	<p>Increased WHP focus in permitting and remediation activities.</p> <p>Increased protection activities undertaken between the state agencies and local public water suppliers.</p>
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Community-Based Environmental Protection (Continued)

Program	Goals/Objectives	Activity	Responsibility	Measure
Ground Water Planning	Increase state and local interaction and coordination on ground water issues.	Local Water Planning -- Review and comment on ground-water quality issues in county water plans.	MPCA	Ground-water protection efforts planned by Minnesota counties are consistent with ground-water protection needs.
	MPCA basin/watershed management activities incorporate interaction of ground water and surface waters, and other ground-water priorities.	<ul style="list-style-type: none"> a) Incorporate ground water issues, priorities, and potential contamination sources into basin/watershed management. b) Provide information on how this has been done elsewhere in the United States. c) Participate in and provide information for EPA discussions on incorporating source water protection, drinking water, and ground water into basin/watershed management. 	<ul style="list-style-type: none"> d) MPCA e) EPA f) Both 	Basin management activities at the MPCA include adequate recognition of ground-water priorities and ground-water and surface-water interactions

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Measure and Manage for Environmental Results

Program	Goals/Objectives	Activity	Responsibility	Measures
Point Source and Nonpoint Source	<p>Data management systems are in place that allow for more effective means of communicating environmental successes and remaining challenges to the public and other stakeholders.</p> <p>Accurate and timely tracking of NPDES and SDS permit data</p>	<p>a) Implement and maintain DELTA.</p> <p>b) Continue using PCS as primary database for SDS and NPDES permits.</p> <p>c) Provide EPA with a DELTA “read” account.</p> <p>d) EPA enters data into PCS.</p> <p>e) Participate in PCS pilot to develop an EDI format for transferring state permits and compliance database information to PCS and PCS modernization.</p> <p>f) EPA continues to use PCS for tribal permits.</p>	<p>g) MPCA</p> <p>h) Both</p> <p>i) MPCA</p> <p>j) EPA</p> <p>k) Both</p> <p>l) EPA</p>	<p>DELTA is fully implemented by March 31, 1997.</p> <p>EPA is entering PCS data by March 31, 1997.</p>
	Effective enforcement programs	Pull PCS reports, such as Quarterly Noncompliance Report (QNCR), for oversight of point source programs.	EPA	Reports are provided.

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Measure and Manage for Environmental Results (Continued)

Program	Goals/Objectives	Activity	Responsibility	Measures
Point Source and Nonpoint Source		Measures of success are completed and reported to EPA, for stipulation agreements and consent decrees, through completion of case conclusion data sheets, compliance activities reporting forms and OECA10 measures or variations of those reports that provide comparable information.	Both	Reports are provided.
	Maintain high levels of compliance (at least 90%) for major NPDES facilities, and levels of compliance for minor facilities as appropriate; priorities determined in basin plans	a) Prioritize inspections and enforcement in priority basins, and continue in other areas. b) Request EPA Region 5 involvement in NPDES (permitting, compliance and enforcement) as needed	c) Both d) MPCA	90% compliance for major facilities
	Maintain adequate level of industrial pretreatment.	Oversee the effectiveness of both the local pretreatment program implementation and state-issued industrial user permits through annual review, inspections and audits as appropriate.	B	Maintain or improve upon previous levels of permitting.
	Reduce permit backlog.	e) Implement Blue Ribbon Phase II recommendations to meet the goals established in Phase I. f) Assist the state in implementing process improvement changes identified in the 1996 Permit Improvement Team Recommendations.	g) MPCA h) EPA	Blue Ribbon Phase I goals
	Effectively manage storm water in Minnesota.	Issue permits for Minneapolis and St. Paul.	MPCA	Permits are issued.

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		Continue to cover additional sites under the general NPDES permit for construction and industrial activities.	MPCA	Number of facilities covered under general permits
	401 Certification	401 certifications are tracked in DELTA	MPCA	None identified

Measure and Manage for Environmental Results (Continued)

Program	Goals/Objectives	Activity	Responsibility	Measures
Watershed Assistance	Environmental and programmatic indicators are developed.	a) Indicators are developed for Lake Superior, Red River, and Minnesota River Basins. b) Develop schedule for environmental indicators for remaining basins. c) Assist Minnesota with appropriate methods for cost/benefit and economic analysis of nonpoint projects.	d) Both e) Both f) EPA	Indicators are developed. Cost/benefit methodologies are in place.
	Determination of BMP effectiveness	EPA acts as a national clearinghouse for information regarding BMP effectiveness.	EPA	Shared technology
	Develop and implement statewide BMP tracking system.	g) Track effectiveness, location and dollars spent. h) Describe interagency group. i) Communicate results. j) Comment on results.	k) MPCA l) MPCA m) MPCA n) EPA	Effective tracking system by Jan. 1997
	Develop Lake Superior Indicators that address use impairments	Lake Superior work group continues process	Both (Lake Superior- I wide)	Implementation in 1998
Administration	Achieve greater level of electronic information exchange.	o) Train state personnel and provide software for Clean Water On Line (CWOL). p) Develop MPCA bulletin board and web page and communicate location to EPA. q) Use CWOL to facilitate information exchange.	r) EPA s) MPCA t) Both	Usage of CWOL, MPCA bulletin board, and web page.

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	Development of environmental and programmatic indicators.	a. Communicate work of Tier II and Tier III work groups. b. Communicate information on national efforts to develop indicators.	u) MPCA v) EPA	Indicators are developed.
Monitoring and Assessment	Data storage and retrieval	Continue to use STORET as the primary database for water quality information. 303(d) lists and 305(b) reports for Lake Superior, Rainy River, and Minnesota River basins	MPCA	303(d) lists and 305(b) reports are submitted

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Measure and Manage for Environmental Results (Continued)

Program	Goals/Objectives	Activity	Responsibility	Measures
Monitoring and Assessment	Quality Assurance Project Plan (QAPP)	a) Develop QAPP standard (program-wide) for inclusion in 1998 performance partnership agreement b) Development of criteria for program-wide QAPP c) Review and revise as needed (field methods, sampling procedures, and analytical methods.	d) MPCA e) EPA f) MPCA	Program-wide QAPP is submitted. Criteria are developed. Procedures and methods are reviewed and, if needed, revised.
	Support for tribes.	Provide technical support to tribes in development of standards within available resources	Both	Tribes seeking TAS receive adequate support and develop water quality standards.
	Update 1986 Standards Agreement	Update 1986 Standards Agreement	Both	Agreement updated
	Comprehensive Ambient Monitoring Program for Surface Water (CAMPS)	g) Maximize EPA and MPCA synergy. h) Coordinate federal agency monitoring efforts with state monitoring efforts. (a) Develop a statewide CAMPS and secure funding for implementation.	i) Both j) EPA k) MPCA	CAMPS is developed and fully funded by July 1, 1997.
I	Improve water quality information on drinking water sources.	Participate in an interagency work group to develop a statewide source protection and monitoring plan.	Both	Work group formed and plan is discussed.

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Ground Water Planning	I	Increase understanding of ground water quality, both base lines and trends.	a. Develop performance measures for ground water. b. Provide information from other states, EPA regions, research and other contacts.	a. . MPCA b. EPA	Ground water quantified as to supporting uses, etc.
		Provide easy and quick access to integrated information and summary findings on ground-water quality and quantity.	Long-range preparation to improve data collection and automation needed for developing interpretations and summary findings for the ground-water portion of the next 305(b) report.	MPCA	Improved access of integrated information and summary findings of ground-water data, especially for future 305(b) reports.

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Cultural Change

Program	Goals/Objectives	Activity	Responsibility	Measures
Point Source and Nonpoint Source	Maintain high rates of compliance.	a) Follow Compliance Management Guide and agency regulatory compliance training manual. b) Continue and increase the use of SEPS where possible. c) Implementation of Blue Ribbon Phase II recommendations to meet stretch goals established by task force. d) Consistent with the redevelopment of the Federal Enforcement Management System to a Compliance Management System, review the compliance management guide during FY97, identify areas for potential change and include a strategy for use of all available tools to gain compliance. e) Implement the recommendations of the Compliance Quality Action Team as appropriate.	f) MPCA g) Both h) MPCA i) Both j) Both	At least 90% compliance for majors
	Primacy for domestic Sewage Sludge Program	Complete revision to MN Rules Ch. 7040.	MPCA	Rules adopted.
		EPA will take nonfederal enforcement actions until primacy. Thereafter it will be a mutual responsibility with MPCA taking the lead.	EPA	Acquiring state primacy
	Federal maintenance of UIC, sludge and wellhead programs	Maintain strong presence in undelegated programs (UIC, sludge, wellhead protection)	EPA	Smooth transition to state primacy.

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	Control pollution from feedlots while efficiently serving the customer	k) Continue to develop Feedlot Program, e.g. Effective permitting and enforcement. l) Draft a general permit for feedlots with <1000 animal units and submit. m) Completion of rules for regulation of feedlots. n) Support investigation of odors - sharing of technical information.	o) MPCA p) MPCA q) MPCA r) Both	Effective feedlot program
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Cultural Change (Continued)

Program	Goals/Objectives	Activity	Responsibility	Measures
	Reduce ground-water contamination from residential and on-site septic systems.	Implement State ISTS Program. Develop a strategy for addressing the water pollution control needs of unsewered areas.	MPCA	Strategy for unsewered areas
	Reduce ground-water contamination from residential and on-site septic systems.	Underground Injection Control (UIC): a) Assist MPCA in preparation for delegation. b) Apply for and obtain primacy to run UIC program. c) Clarify requirements for primacy.	d) EPA e) MPCA f) EPA	UIC primacy delegated

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Watershed Assistance	Basin Management	<ul style="list-style-type: none"> a. Develop a statewide framework for basin management b. Secure stable funding for surface water monitoring c. Develop a comprehensive water quality community/financial assistance program d. Develop basin management tools <ul style="list-style-type: none"> - target program activities - site specific goal setting process e. Participate in public meetings when requested 	<ul style="list-style-type: none"> a. MPCA b. Both c. Both d. MPCA e. EPA 	None identified yet.
	Implementation of 319	Participate in interagency team. Support priority decisions.	EPA	EPA support for selected proposals
	Funding of LaMP & RAP Positions	Develop a long term strategy to fund Lakewide Area Management Plan (LaMP) and Remedial Action Plan (RAP) activities.	Both	Integration of outcomes into basin plans
Administration	Sustainable funding for state water quality programs is achieved	<ul style="list-style-type: none"> g) Needs survey h) EPA fully discloses list of all state water quality projects. i) Work toward consideration of biennial grants. j) SRF and 106 formulae reviewed and updated. k) 106 funding restored. 	<ul style="list-style-type: none"> l) MPCA m) EPA n) Both o) Both p) EPA 	State water quality program funding capacity.

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Cultural Change (Continued)

Program	Goals/Objectives	Activity	Responsibility	Measures
Administration	Partnerships	a) GLNPO/EPA joint priorities with other states b) Tribal assistance c) Develop strategies with MPCA for communication of regional needs to congress d) Participate in the identification and development of the opportunities for partnership and sharing work in the areas of inspections, sampling, and case development.	e) EPA f) Both g) EPA h) Both	None identified yet.
	Federal grant management responsibilities are reduced	Greater EPA assistance on federal grant management through IPA or other mechanism.	EPA	Federal grants are managed in an effective and timely manner.
	Remove barriers	Clean Water Act: Assist and support negotiations of conflict of interest language (MPCA board)	Both	Changes made
	Learning to celebrate success	Plan 25th Anniversary of CWA celebration	Both	Celebration occurs
Monitoring and Assessment	Resolution of Tribal Issues	Treatment as state applications (TAS): i) Review, comment, and support all tribal TAS applications j) Assist tribes with standards development	k) EPA l) Both	
	Basin management	Develop a water quality standards improvement process and tools that support basin planning efforts including advisory committee and phosphorus strategy	MPCA	Basin plans completed for all basins by 2000.

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Monitoring and Assessment	Basin management	Develop a water quality standards improvement process and tools that support basin planning efforts including advisory committee and phosphorus strategy	MPCA	Basin plans completed for all basins by 2000.
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Cultural Change (Continued)

Program	Goals/Objectives	Activity	Responsibility	Measures
Ground Water Planning	<p>Identify benefits of seeking EPA's endorsement of Minnesota's Comprehensive State Ground Water Protection Program (CSGWPP), while prioritizing efforts to address opportunities for input</p> <p>Improve coordination of state ground-water protection activities (Note: We, both EPA and MPCA, agree that, as a rule, time is better spent "doing" rather than building a case for EPA endorsement.)</p>	<p>CSGWPP Development -- Continue to address 1994 CSGWPP State Assessment needs/opportunities for improvement, as time allows</p> <p>Work with EPA-HQ OGWDW on streamlining the CSGWPP endorsement (approval) process.</p>	MPCA	<p>Comprehensive ground-water protection efforts continue to be promoted in Minnesota.</p> <p>Minnesota continues to participate with federal efforts to support comprehensive ground water protection efforts (including CSGWPP).</p>
	Better alignment of policies and programs on ground- water protection and related issues	Other -- Planning Activities Continue coordination work with other MPCA programs and other state, federal, and local agencies.	MPCA	Emerging topics addressed and ground-water issues included in existing programs within and outside the MPCA.

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Appendices

Appendix A

CORE PERFORMANCE INDICATORS

Updated LUST Performance Measures

1. Number of Confirmed Releases: The cumulative number of incidents (not UST systems) where the owner/operator has identified a release from a Subtitle I regulated petroleum UST system, reported the release to the state/local or other designated implementing agency and the state/local implementing agency has verified the release according to state procedures such as a site visit (including state contractors), phone call, follow-up letter, or other reasonable mechanism that confirmed the release.

***Clarification:** “Confirmed Releases” is a cumulative category--even as a cleanup is initiated and is completed, it is still counted in the “Confirmed Releases” category. For a site undergoing closure activities, a confirmed release is counted only if petroleum contamination is discovered and verified. In that case, the release is counted under both the “Confirmed Releases” and “Closed Petroleum UST Systems” categories. A release which requires no further action as determined by the implementing agency would still be counted as a confirmed release.*

***Example:** A confirmed release is identified by the incident, not by the receptor(s). For example, ten contaminated residential wells would be considered one release if the contamination was caused by a leaking tank at a single gasoline station. This accounting would be true even if it were discovered that more than one tank at that station was leaking. If tanks at three gasoline stations were found to be leaking, however, then three confirmed releases would be recorded, regardless of the number of receptors. Additionally, the initiation of a new cleanup response indicates a separate confirmed release. The discovery of a leaking tank at the gasoline station, for example, two years after completion of the original cleanup would be classified as a new confirmed release.*

2. Number of Cleanups Initiated: The cumulative number of confirmed releases at which the state or responsible party (under supervision as designated by the state) has initiated management of petroleum-contaminated soil, removal of free product (from the surface or subsurface environment), management or treatment of dissolved petroleum contamination, or monitoring of the ground water or soil being remedied by natural attenuation. Site investigations and emergency responses DO NOT qualify unless one of the activities listed above has occurred. [Subset of Measure 1]

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Clarification: “Cleanups Initiated” is a cumulative category-- sites should never be deleted from this category. Even as a cleanup progresses and is completed, it is still counted in the cleanups initiated category. “Cleanups Initiated” indicates that physical activity (e.g., pumping, soil removal, recovery well installation) has begun at the site. Sites being remedied by natural attenuation can be counted in this category when site characterizations, monitoring plans, and site-specific cleanup goals are established for these sites. It is no longer necessary to report separately those cleanups initiated that are state-lead sites using state money and those that are responsible-party lead sites. It is, however, still necessary to report the number of cleanups initiated that are state lead with Trust Fund money.

3. Number of Cleanups Completed: The cumulative number of confirmed releases where cleanup has been initiated and where the state has determined that no further actions are currently necessary to protect human health and the environment. This number includes sites with post-closure monitoring as long as site-specific (e.g., risk-based) cleanup goals have been met. Site characterization, monitoring plans, and site-specific cleanup goals must be established and clean-up goals must be attained for sites being remedied by natural attenuation to be counted in this category. [Subset of Measure 2]

Clarification: “Cleanups Completed” is a cumulative category--sites should never be deleted from this category. It is no longer necessary to report separately cleanups completed that are state lead with state money and cleanups completed that are responsible party lead. It is, however, still necessary to report the number of cleanups completed that are state lead with Trust Fund money.

4. Number of Emergency Responses: The cumulative number of sites where the implementing agency takes immediate action to mitigate imminent threats to human health and the environment posed by an UST system release (e.g., venting of explosive vapors, providing bottled water).

Clarification: “Emergency Responses” is a cumulative category--sites should never be deleted from this category. In a situation where petroleum contamination is found during an emergency response, the site is counted under both the “Emergency Responses” and “Confirmed Releases” categories. “Emergency Responses,” however, are not included as cleanups initiated or cleanups completed unless activities listed under those categories has occurred.

Updated UST Performance Measures

1. Total Number of Petroleum UST Systems: The number of active Subtitle I regulated petroleum UST systems registered with the state added to the cumulative number of closed petroleum UST systems. This measure does not include exempt or deferred UST systems.

Clarification: *The UST Program will stop collecting the total number of existing registered petroleum UST Systems because this number can be derived easily by subtracting the total number of closed petroleum UST systems from the total number of petroleum UST systems.*

2. Number of Closed Petroleum UST Systems: The cumulative number of Subtitle I regulated petroleum UST systems that have been reported to the state as being closed permanently (according to the closure provisions in 40 CFR Part 280, Subpart G) which are either left in the ground (in-situ closures) or removed from the ground. This measure includes sites where UST systems have been replaced. This measure does not include exempt or deferred UST systems. Do not report temporary closures. If petroleum contamination is found during closure, the site is counted under both the “Closed Petroleum UST Systems” and “Confirmed Releases” categories.

3. Total Number of Hazardous Substance UST Systems: The cumulative number of active and closed (according to the closure provisions in 40 CFR Part 280, Subpart G) combined Subtitle I regulated hazardous substance UST systems.

New UST Performance Measures

4. Number of UST Systems equipped to meet the requirements for leak detection: The cumulative number of Subtitle I regulated UST systems (includes piping), not facilities, where the state or local implementing agency has information (e.g., site visits, third-party inspections, self-certification mailings, informal or formal enforcement, or other means as designated by the implementing agency) indicating that the UST system has the proper equipment (or uses the proper procedures, e.g. SIR) to be in compliance with the federal leak detection requirements.

Clarification: *This measure tracks actual numbers rather than the percentages discussed in the February 29, 1996, memorandum. The measure does not require states to indicate the type of notification method that was used to determine that an UST system is equipped to meet the requirements for leak detection. The measure includes the number of UST systems equipped to meet the requirements for leak detection as reported to the state. State staff are not expected to test the leak detection equipment to ensure that the equipment works properly. States are encouraged, outside the reporting process, to audit UST facilities or utilize other methods to ensure compliance with the leak detection requirements.*

5. Number of UST Systems equipped to meet the requirements for upgrading: The cumulative number of Subtitle I regulated UST systems (includes piping), not facilities, where the state or local implementing agency has information (e.g., site visits, third-party inspections, self-certification letters, informal or formal enforcement, or other means as designated by the implementing agency)

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indicating that the UST system has the proper equipment to be in compliance with EPA's 1998 upgrading and replacement requirements (i.e., corrosion protection and spill and overfill protection). Do not include closed UST systems.

Clarification: *This measure tracks actual numbers rather than the percentages discussed in the February 29, 1996, memorandum. The measure does not require states to indicate the type of notification method that was used to determine that an UST system is equipped to meet EPA's 1998 upgrading and replacement requirements. The measure includes the number of UST systems equipped to meet EPA's 1998 upgrading and replacement requirements as reported to the state. State staff are not expected to test the UST system to ensure that the equipment works properly. States are encouraged, outside the reporting process, to audit UST facilities or utilize other methods to ensure compliance with EPA's 1998 upgrading and replacement requirements.*

Appendix B

Items Common to the UST and LUST Programs

1. Federal Role for UST/LUST

- a) The Region will provide technical assistance to further the efforts of the UST/LUST Program in Minnesota.
- b) The Region will keep MPCA informed of upcoming training, seminars, meetings, and other forms of exchanging ideas and information. In addition, if MPCA identifies specific training needs, the Region will assist in locating and/or provided the needed training.
- c) The Region will keep MPCA informed of projected UST/LUST funding, procedure and policy changes and other information that will directly or indirectly affect MPCA's administration of the UST/LUST program.

2. UST/LUST Partnership

Region 5 and MPCA will:

- a) conduct monthly conference calls with the appropriate people from each agency participating;
- b) conduct semi-annual meetings (at mid-year and end-of-year) to discuss progress in the UST/LUST program; and
- c) coordinate the grant status (MPCA will continue to provide quarterly financial status reports).

The monthly conference calls and semi-annual meetings will allow MPCA and Region 5 to discuss changes in legislation, regulations, policies and procedures. Region 5 will provide a mid-year meeting and feedback report and end of year report following the meetings. MPCA will report the progress in the UST/LUST program in the annual self-assessment report.

Appendix C

Draft Inspection Guidelines for Fiscal Year 1997

The Hazardous Waste Regulatory Compliance Section has developed the following inspection guidelines for staff that will enhance their efforts of targeting and conducting hazardous waste compliance inspections in Minnesota. This targeting effort, in conjunction with the Hazardous Waste Division's strategic indicators, will help to maximize the program resources available each fiscal year so that we may best protect the human health and environment in the state.

The following inspection guideline categories are prioritized using generic category designations. Each category is labeled to help the inspector channel their targeting efforts towards a common program goal. It is very important to realize that every item on this list is a higher priority than not having any guideline at all. For instance, a person may start their inspection target on the Category 3 list and may be lead to Category 2 or Category 1. The ratings are always subject to change depending on federal and state grant commitments and changes in program direction from year to year. The items are categorized either in relation to the other items listed or because a commitment has been made for a specific targeting strategy. Very seldom will one targeting item be used by itself; more commonly, the items should be used in combination or as subsets of each other.

This strategy is only a guideline to aid in the targeting efforts of each inspector, team or program. This document should grow, expand and fluctuate every year. The success of this guideline is only as effective as those using it. The success of the impact on the program will be measured by a simple means of trend analysis. The program should be able to enhance the targeting efforts and maximize the program goal of ensuring compliance with the Minnesota Hazardous Waste Rules.

Category One Targets

- 1) *Hazardous Waste Complaints* – Hazardous waste complaints are always a top priority but must be prioritized within this category. For example, a complaint alleging improper disposal of a specific hazardous waste is a high priority compared to a complaint alleging improper used oil management, which is considered a low priority.
- 2) *National Sector Based Priorities* – This nationally based targeting effort is split into National Priority Sectors and Significant Sectors. From the list of industry types, Minnesota will target coal-fired power plants, dry cleaning facilities and automotive service and repair shops in FY 1996.
- 3) *Non-responders to license applications* – This commitment is designed to reach out to those who do not respond to the state's request for a license application. A list of companies that have been "uncooperative" or "difficult to reach" in previous licensing attempts over the past three years has been developed by the Hazardous Waste Division Program Development Section.
- 4) *Risk Assessment – Wellhead Protection Zone-based Inspections* – This effort is designed to concentrate on municipal wellhead protection zones. The Minnesota Department of Health is developing rules, effective July 1, 1996, that require communities and some businesses to identify potential risks to the public water supplies. From this, communities will delineate the protection zones, inventory potential pollution sources and develop a plan to protect public water supplies. Targeting efforts inside of these wellhead protection zones may minimize potential environmental

harm in these zones. Currently, there are two dozen communities voluntarily participating in this Minnesota Department of Health program.

5) *Large Quantity Generators that have never been inspected* – This area will include businesses, that generate large quantities of waste, in greater Minnesota and that have never been inspected or have recently increased the amount of waste they generate.

6) *Geographic Initiatives* – This area will mostly effect the regional inspectors in the five regions of the state. This targeting effort will differ from region to region depending on the geography of the region and may carry over in between fiscal years.

7) *Permitted Treatment Storage and Disposal Facilities (TSD)* – The inspections at these facilities will be based upon mutually agreed upon schedules between EPA and the MPCA. The frequency of inspections for commercial facilities will be at least one inspection each year. Federal, state and local government facilities will be inspected by the state or EPA each year. Other TSD inspections will be conducted on a two-year rotation either directly by the MPCA or by a local unit of government that is approved and supervised by the MPCA. More frequent inspections may occur if a permit is reissued, a complaint is received or the compliance history of the facility warrants them.

Category Two Targets

1) *Mismanaged Waste Streams* – According to available hazardous-waste data, there is a list of commonly mismanaged waste streams among the known hazardous-waste generators. Companies generating these waste streams in significant quantities are good potential targets.

2) *Effects of New Rules* – The priority in this area will largely depend on the new rules developed. For example, a newly regulated waste stream would warrant a high priority to those companies generating that particular waste stream.

3) *Manifest Data Reports* – Data that is available in HWIMS may be very helpful in targeting inspections. Some examples of useful reports is the Error Tracking Table which lists companies that are making consistent errors in completing manifests. Other areas would include companies that are manifesting waste but are not licensed or companies inconsistently submitting manifest copies.

4) *Small Quantity Generators That Have Never Been Inspected* – This category is self explanatory; however, it is a good item to use in conjunction with others on the list.

5) *Multimedia/Cross Media Initiatives* – This will include state and federal initiatives

6) *Other Initiatives* – This will include state and federal initiatives.

7) *Demography* – Any available demographic data may be used to target inspections of companies in Greater Minnesota where there are substantial increases or decreases in the work force and in economic growth.

8) *Sampling* – Sampling inspections should be targeted to best use the available sampling resources. In most cases, sampling inspection will only occur to enhance a potential enforcement case.

9) *DELTA Information* – The MPCA's computerization effort, Project DELTA, can be used to discover patterns among industries or specific businesses of concern to enforcement staff. Also,

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day-to-day communication with other MPCA enforcement staff in the Solid Waste, Air Quality and Water Quality Divisions may raise potential targets.

Category Three Targets

- 1) *Companies With Previous Enforcement Actions* – This targeting effort should include companies that have been issued stipulation agreements or significant non-forgivable administrative penalty orders in the past three years. Also, a data base may be used to compare SIC codes with previous enforcement actions.
- 2) *Referrals and Contact From and With Local Government* – This area will include any contact between MPCA staff and city or county officials. Examples might be communication with county commissioners, county solid waste officers, city administrators or building inspectors, and contact with local law enforcement.
- 3) *TRI Reporting* – This report may be useful in determining which companies are producing the greatest amount of wastes.
- 4) *Generators Filing Chapter 7 or Chapter 11* – These targets will continue to appear in conjunction with [actions of] the Minnesota Attorney General's Office.
- 5) *Superfund Priority List* – This tool may be helpful in discovering the trends of business types which contributed to existing Superfund sites.
- 6) *GIS Information* – Although complete GIS data is not available at this time, the information gathered for this data base may be useful in future targeting efforts.
- 7) *Follow-up Inspections* – Follow-up inspections should be prioritized according to the case that developed. All formal enforcement actions may not require a follow-up inspection which will enable resources to be used elsewhere.
- 8) *Contact with Other Agencies* – This category can be used by contacting other Minnesota agencies such as the departments of Natural Resources, Agriculture and Health, and OSHA and others. Many of these agencies have inspection reports and summary results.

Uncategorized Target

- 1) *Random Inspections* – This category has no priority and should remain flexible and usable at all times. It is very important to keep a random inspection influence in all inspection strategies for staff to use when they are out in the field.

Other Information to Consider

Every year the program will have different influences that may impact the targeting scheme.

Examples of these impacts include the following:

- 1) *Environmental Audits* – Currently, companies that are conducting environmental audits are left out of inspection strategies. A company that fits into the program's targeting scheme because it falls into one or more of the categories above, will not be considered an inspection candidate if actively involved in the environmental audit program. The exception to this guideline is when a citizen complaint has been filed against a company which is participating in Minnesota's environmental audit program.
- 2) *Special Agreements* – Some industry types have a special agreement with the MPCA, such as the agreement for environmental audits with the members of the Printing Industry of Minnesota (PIM).

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Companies participating in these special agreements shall be considered a low priority for inspections unless other circumstances arise.